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THE

Statutes at Large, Treaties,

AND

PROCLAMATIONS,

OF THE

UNITED STATES OF AMERICA.

FROM

DECEMBER 1863, TO DECEMBER 1865.

Arranged in Chronological Order and carefully collated with the Originals at Washington.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS ON THE SAME SUBJECT.

EDITED BY

GEORGE P. SANGER,

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. XIII.

BOSTON:

LITTLE, BROWN AND COMPANY.

1866.

ADVERTISEMENT.

In publishing the following Laws, the same plan has been adopted that was prescribed in the Joint Resolution of Congress of March 3, 1845, authorizing a subscription to the edition of all the Laws of the United States published by us. A close examination of this volume will disclose some apparent errors in the Laws as here printed; but as we procure a careful collation with the records at Washington by an experienced reader of the Department of State, and scrupulously follow the original, any seeming errors must be attributed to the Rolls, and not to us. Where anything absolutely necessary to the sense is omitted in the Rolls, it is inserted in the text, enclosed in brackets.

We intend to publish annually, and as soon after the close of each Session of Congress as is possible, the Acts of that Session, in a similar form and with a similar arrangement.

It will be seen, by the following extract from the Act of Congress, August 8th, 1846, and Joint Resolution of September 26, 1850, that our edition has been sanctioned by Congress, and is the Official Edition.

"And whereas said edition of the said Laws and Treaties of the United States *has been carefully collated and compared with the original Rolls in the Archives of the Government*, under the inspection and supervision of the *Attorney-General of the United States*, as duly certified by that officer: therefore, *Be it further enacted*, that said edition of the Laws and Treaties of the United States, published by Little & Brown, is hereby declared to be competent evidence of the several Public and Private Acts of Congress, and of the several Treaties therein contained, in all the Courts of Law and Equity and Maritime Jurisdiction, and in all the Tribunals and Public Offices of the United States and of the several States, *without any further proof or authentication thereof*. Approved, August 8, 1846."

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State be authorized and directed to contract with Little & Brown to furnish their annual Statutes at Large, printed in conformity with the plan adopted by Congress in eighteen hundred and forty-five, instead of the edition usually issued by his order, under the act of Congress of April twentieth, eighteen hundred and eighteen, and which conforms to an edition of the laws now out of use. — Approved, September 26, 1850."

LITTLE, BROWN AND COMPANY.

Boston, January, 1866.

Entered according to Act of Congress, in the year 1866, by

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LIST

OF THE

PUBLIC ACTS AND RESOLUTIONS

OF CONGRESS

AND OF THE PROCLAMATIONS,

CONTAINED IN THIS VOLUME.

Acts of the Thirty-eighth Congress of the United States.

STATUTE I. — 1863-4.

Page

Chicago may erect Piers in Lake Michigan. An act declaring the assent of Congress to an act of the Legislature of the State of Illinois therein named. January 16, 1864, ch. 1..... 1

Second Assistant Secretary of War. An act to authorize the President to appoint a Second Assistant Secretary of War. January 19, 1864, ch. 2..... 1

Deficiency Appropriation. An act to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or department of Missouri. January 22, 1864, ch. 3..... 1

Mail Matter. An act to amend the law prescribing the articles to be admitted into the mails of the United States. January 22, 1864, ch. 4..... 2

Circuit and District Courts in West Tennessee. An act to change the place of holding the circuit and district courts of the United States for the district of West Tennessee, and for other purposes. January 26, 1864, ch. 5..... 2

Insane in the District of Columbia. An act relating to the admission of patients to the Hospital for the Insane in the District of Columbia. January 28, 1864, ch. 6..... 3

Pensions Appropriation. An act making appropriations for the payment of invalid and other pensions of the United States, for the year ending the thirtieth of June, eighteen hundred and sixty-five. January 29, 1864, ch. 7..... 3

Federal Courts in Indiana. An act authorizing the holding of a special session of the United States district court of Indiana. February 12, 1864, ch. 8..... 3

Stable at the President's. An act making an appropriation for rebuilding the stable at the President's. February 13, 1864, ch. 9..... 3

Federal Courts in California and Oregon. An act amendatory of and supplementary to "An act to provide circuit courts for the districts of California and Oregon, and for other purposes," approved March third, eighteen hundred and sixty-three. February 19, 1864, ch. 11..... 4

National Forces. An act to amend an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three. February 24, 1864, ch. 13..... 6

Lieutenant-General. An act reviving the grade of Lieutenant-General in the United States army. February 29, 1864, ch. 14..... 11

Withdrawal of Goods from Public Stores. An act to extend the time for the withdrawal of goods from public stores and bonded warehouses, and for other purposes. February 29, 1864, ch. 15..... 12

Warden of Jail in District of Columbia. An act to authorize the appointment of a warden of the jail in the District of Columbia. February 29, 1864, ch. 16..... 12

Five-Forty Loan. An act supplementary to an act entitled "An act to provide ways and means for the support of the Government," approved March third, eighteen hundred and sixty-three. March 3, 1864, ch. 17..... 13

Overland Emigration. An act to provide for the protection of overland emigration to the states and territories of the Pacific. March 3, 1864, ch. 18..... 14

Page

Internal Revenue. An act to increase the internal revenue, and for other purposes. March 7, 1864, ch. 20 14

Washington City Savings Bank. An act to incorporate the Washington City Savings Bank. March 8, 1864, ch. 21 17

Guardians and Committees of Lunatics. An act to enable guardians and committees of lunatics, appointed in the several states, to act within the District of Columbia. March 8, 1864, ch. 22 18

Expenses of Levy Court. An act to apportion the expenses of the levy court of the county of Washington, upon the basis of population. March 8, 1864, ch. 23 19

Steam-tugs B. F. Davidson and W. K. Muir. An act to authorize the enrolment and license of the steam-tugs B. F. Davidson and W. K. Muir. March 8, 1864, ch. 24 19

Ambulance System. An act to establish a uniform system of ambulances in the armies of the United States. March 11, 1864, ch. 27 20

Parkersburg made a Port of Delivery. An act to constitute Parkersburg, in the State of West Virginia, a port of delivery. March 11, 1864, ch. 28 22

Deficiency Appropriation. An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes. March 14, 1864, ch. 30 22

University Lands in Washington Territory. An act in relation to university lands in Washington Territory. March 14, 1864, ch. 31 28

Spirituous Liquors not to be sold, &c., to Indians. An act to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four. March 15, 1864, ch. 33 29

Post-Office Appropriation. An act making appropriations for the service of the Post-Office Department, during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five. March 16, 1864, ch. 34 29

Franking Privilege of the President and Vice-President. An act in addition to an act to amend the laws relating to the Post-Office Department, approved March 3, eighteen hundred and sixty-three. March 16, 1864, ch. 35 30

Nevada made a State. An act to enable the people of Nevada to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states. March 21, 1864, ch. 36 30

Colorado made a State. An act to enable the people of Colorado to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states. March 21, 1864, ch. 37 32

Homestead Law. An act amendatory of the homestead law, and for other purposes. March 21, 1864, ch. 38 35

Mail Service. An act to provide for carrying the mails from the United States to foreign ports, and for other purposes. March 25, 1864, ch. 40 36

Treaty with Indians. An act to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon. March 25, 1864, ch. 41 37

Convention with Ecuador. An act to carry into effect the convention with Ecuador for the mutual adjustment of claims. March 28, 1864, ch. 42 37

Military Academy Appropriation. An act making appropriations for the support of the military academy, for the year ending June thirtieth, eighteen hundred and sixty-five. April 1, 1864, ch. 45 38

Pensions. An act to increase the pension of the revolutionary pensioners now on the rolls of the pension office. April 1, 1864, ch. 46 39

Navy. An act relating to acting assistant paymasters in the navy, and regulating the appointment of cadets in the Naval Academy. April 1, 1864, ch. 47 39

Indian Affairs in California. An act to provide for the better organization of Indian affairs in California. April 8, 1864, ch. 48 39

Union Gas Light Company. An act to incorporate the Union Gas Light Company of the District of Columbia. April 8, 1864, ch. 49 41

Providence Hospital. An act to incorporate Providence Hospital of the city of Washington, District of Columbia. April 8, 1864, ch. 50 43

Notaries Public. An act concerning notaries public for the district of Columbia. April 8, 1864, ch. 51 44

Columbia Institution. An act to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees. April 8, 1864, ch. 52 45

Chaplains in the Volunteer Service. An act to amend section nine of the act approved July seventeenth, eighteen hundred and sixty-two, entitled an act to define the pay and emoluments of certain officers of the army, and for other purposes. April 9, 1864, ch. 53 46

Page

Appraiser, &c., at Portland, Maine. An act to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes. April 9, 1864, ch. 54..... 46

Colleges for the Benefit of Agriculture and the Mechanic Arts. An act extending the time within which the states and territories may accept the grant of lands made by the act entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two. April 14, 1864, ch. 58..... 47

Nebraska. An act to enable the people of Nebraska to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states. April 19, 1864, ch. 59..... 47

Rock Island to be taken Possession of. An act in addition to "An act for the establishment of certain arsenals." April 19, 1864, ch. 60..... 50

Bainbridge, The United States Brig. An act fixing the date of the loss of the U. S. brig "Bainbridge," and for the relief of the officers, seamen, and marines of the same, and for other purposes. April 19, 1864, ch. 61..... 52

Promotion in the Navy. An act to amend an act entitled "An act to establish and equalize the grade of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two. April 21, 1864, ch. 62..... 53

Rank, &c., of Provost Marshal-General. An act to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the provost marshal-general. April 21, 1864, ch. 64..... 54

District, &c., of Presque Isle to be called Erie. An act to change the name of the district and port of Presque Isle to the district and port of Erie. April 21, 1864, ch. 65..... 54

Coinage of Cents and Two Cent Pieces. An act in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the mint of the United States," approved February twenty-one, eighteen hundred and fifty-seven. April 22, 1864, ch. 66..... 54

Masonic Hall Association. An act for a charter of Masonic Hall Association, in Washington city, District of Columbia. April 26, 1864, ch. 67..... 55

John Martin, Register to issue to the Steamer. An act to authorize the issuing of a register to the steam vessel John Martin. April 26, 1864, ch. 68..... 57

Collisions at Sea, Rules to prevent. An act fixing certain rules and regulations for preventing collisions on the water. April 29, 1864, ch. 69..... 58

Hospital Dues from Vessels sold abroad. An act to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters. April 29, 1864, ch. 70..... 61

Inspectors of Customs. Pay of certain, increased. An act to increase the compensation of inspectors of customs in certain ports. April 29, 1864, ch. 71..... 61

Donation Claims. An act in reference to donation claims in Oregon and Washington. April 29, 1864, ch. 72..... 62

Postmasters robbed by Guerillas. An act for the relief of postmasters who have been robbed by Confederate forces or rebel guerillas. April 29, 1863, ch. 73..... 62

Indian Refugees. An act to aid the Indian refugees to return to their homes in the Indian Territory. May 3, 1864, ch. 74..... 62

Indian Reservations in Utah. An act to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said territory in the Uinta valley. May 5, 1864, ch. 77..... 63

Frauds in Names of Vessels. An act for the prevention and punishment of frauds in relation to the names of vessels. May 5, 1864, ch. 78..... 63

Lands to Minnesota for Railroads. An act making a grant of lands to the State of Minnesota, to aid in the construction of the railroad from Saint Paul to Lake Superior. May 5, 1864, ch. 79..... 64

Lands to Wisconsin for Railroads. An act granting lands to aid in the construction of certain railroads in the State of Wisconsin. May 5, 1864, ch. 80..... 66

Charter of Washington amended. An act to amend "An act to incorporate the inhabitants of the city of Washington," passed May fifteen, eighteen hundred and twenty. May 5, 1864, ch. 81..... 68

Lands in California. An act for the relief of the settlers upon certain lands in California. May 5, 1864, ch. 82..... 69

Measurement of Tonnage of Vessels. An act to regulate the admeasurement of tonnage of ships and vessels of the United States. May 6, 1864, ch. 83..... 69

Iowa Railroads. An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said state. May 12, 1864, ch. 84..... 72

Page

Convicts in Courts of the United States. An act concerning the disposition of convicts in the courts of the United States, for the subsisting of persons confined in jails charged with violating the laws of the United States, and for diminishing the expenses in relation thereto. May 12, 1864, ch. 85... 74

Naval Service; Courts-Martial. An act relating to appointments in the naval service and courts-martial. May 16, 1864, ch. 86... 75

Postal Money Order System. An act to establish a postal money order system. May 17, 1864, ch. 87... 76

Acting Lieutenant-Commanders and Commanders. An act to appoint certain officers of the navy. May 17, 1864, ch. 89... 79

Veteran Volunteer Engineers. An act to organize a regiment of veteran volunteer engineers. May 20, 1864, ch. 92... 80

Navy Appropriation. An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes. May 21, 1864, ch. 93... 80

Nevada. An act to amend an act entitled "An act to enable the people of Nevada to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states." May 21, 1864, ch. 94... 85

Montana Territory. An act to provide a temporary government for the Territory of Montana. May 26, 1864, ch. 95... 85

Clerks to Paymasters in the Navy. An act for the classification of the clerks to paymasters in the navy, and graduating their pay. May 26, 1864, ch. 96... 92

Appropriations to pay Damages by the Sioux Indians. An act making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February sixteen, eighteen hundred and sixty-three. May 28, 1864, ch. 97... 92

Steamships between the United States and Brazil. An act authorizing the establishment of ocean mail steamship service between the United States and Brazil. May 28, 1864, ch. 98... 93

Certain Lands may be entered, &c. An act for the relief of the citizens of Denver, in the Territory of Colorado. May 28, 1864, ch. 99... 94

Claims of Peruvian Citizens. An act to provide for the payment of the claims of Peruvian citizens, under the convention between the United States and Peru, of the 12th January, 1863. June 1, 1864, ch. 101... 95

Official Communications to be sent free. An act in relation to franked matter. June 1, 1864, ch. 102... 95

Lands to Iowa for Railroads. Locations of Roads changed. An act to amend an act entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said state," approved May fifteen, eighteen hundred and fifty-six. June 2, 1864, ch. 103... 95

News-Boys' Home. An act to incorporate the News-Boys' Home. June 2, 1864, ch. 104... 99

National Currency. An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof. June 3, 1864, ch. 106.. 99

Public Printing. An act to amend an act relative to the public printing. June 3, 1864, ch. 107. 118

Transfer from Military to Naval Service. An act to repeal the first section of the joint resolution relative to the transfer of persons in the military service to the naval service, approved February twenty-four, eighteen hundred and sixty-four. June 3, 1864, ch. 108... 119

Plattsburgh to be principal Port of Entry. An act to reëstablish the principal port of entry for the district of Champlain at Plattsburgh, and for other purposes. June 3, 1864, ch. 109... 119

Lands to Michigan. An act to amend an act entitled "An act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said state, and for other purposes." June 7, 1864, ch. 110... 119

Coal-Heavers and Firemen. An act to provide for granting an honorable discharge to coal-heavers and firemen in the naval service. June 7, 1864, ch. 111... 120

Inspectors of Steamboats. An act to create an additional supervising inspector of steamboats and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local inspectors for the collection district of Oregon, and for other purposes. June 8, 1864, ch. 113... 120

Counterfeiting Coin. An act to punish and prevent the counterfeiting of coin of the United States. June 8, 1864, ch. 114... 120

Ohio Volunteer Militia. An act to provide for the payment of the second regiment, third brigade, Ohio volunteer militia, during the time they were mustered into the service of the United States. June 8, 1864, ch. 115... 121

Page

Crews of Foreign Vessels in the United States. An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States. June 11, 1864, ch. 116 121

Stipulations to Discharge Attachments. An act to authorize the Secretary of the Treasury to stipulate for the release from attachment or other process of property claimed by the United States, and for other purposes. June 11, 1864, ch. 117 122

Limitation of Action. Certain time not to be reckoned. An act in relation to the limitations of actions in certain cases. June 11, 1864, ch. 118 123

Members of Congress, &c., not to receive Money. An act relating to members of congress, heads of departments, and other officers of the government. June 11, 1864, ch. 119 123

Judicial Districts in Virginia. An act to change and define the boundaries of the eastern and western judicial districts of Virginia, and to alter the names of said districts, and for other purposes. June 11, 1864, ch. 120 124

Summary Trials of Minor Offences. An act to provide for the summary trial of minor offences against the laws of the United States. June 11, 1864, ch. 121 124

Collection Districts in Oregon abolished. An act to abolish the collection districts of Port Orford and Cape Perpetua, in the State of Oregon. June 11, 1864, ch. 122 125

Private Land Claims in New Mexico. An act to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico." June 11, 1864, ch. 123 125

Army Appropriation. An act making appropriations for the support of the army for the year ending the thirtieth June, eighteen hundred and sixty-five, and for other purposes. June 15, 1864, ch. 124 126

Home for Friendless Women and Children. An act to incorporate the Home for Friendless Women and Children. June 15, 1864, ch. 125 130

School Lands in Missouri. An act concerning certain school lands in township forty-five north, range seven east, in the State of Missouri. June 15, 1864, ch. 126 132

Gold, &c., certain Sales of, prohibited. An act to prohibit certain sales of gold and foreign exchange. June 17, 1864, ch. 127 132

Withdrawal of Goods from Public Stores. An act to amend an act entitled "An act to extend the time for the withdrawal of goods from public stores and bonded warehouses, and for other purposes," approved twenty-ninth February, eighteen hundred and sixty-four. June 17, 1864, ch. 128 133

Water-Tax in Georgetown. An act to amend an act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water-tax, and for other purposes," approved May twenty-one, eighteen hundred and sixty-two. June 17, 1864, ch. 129 133

Foreign Coasting Trade on the Northern, &c. Boundary. An act to regulate the foreign coasting trade on the northern, northeastern and northwestern frontiers of the United States, and for other purposes. June 17, 1864, ch. 130 134

Veto Power in Washington Territory. An act to regulate the veto power in the Territory of Washington. June 17, 1864, ch. 131 135

Superannuated Fund Society. An act to empower the Superannuated Fund Society of the Maryland Annual Conference to hold property in the District of Columbia, and to take a devise under the will of the late William Doughty. June 17, 1864, ch. 132 135

Rancho Bolsa de Tomales. An act to grant the right of preëmption to certain settlers on the Rancho Bolsa de Tomales, in the State of California. June 17, 1864, ch. 133 136

Marquette and Ontonagon Railroad. An act extending the time for the completion of the Marquette and Ontonagon Railroad, of the State of Michigan. June 18, 1864, ch. 134 137

Colorado. Time of Vote upon Constitution changed. An act to amend an act entitled "An act to enable the people of Colorado to form a constitution and state government, and for the admission of such state into the union on an equal footing with the original states. June 18, 1864, ch. 135 137

Consular and Diplomatic Appropriation. An act making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-five, and for other purposes. June 20, 1864, ch. 136 137

Wagon Roads in Michigan. An act granting lands to the State of Michigan for the construction of certain wagon roads for military and postal purposes. June 20, 1864, ch. 137 140

Claims of Peruvian Citizens. An act to amend an act entitled "An act to provide for the payment of the claims of Peruvian citizens under the convention between the United States and Peru, of the twelfth of January, eighteen hundred and sixty-three," approved June first, eighteen hundred and sixty-four. June 20, 1864, ch. 138 141

Fishing Bounties. Duties on Foreign Salt. An act requiring proof of payment of duties on for-

Page

eign salt before payment of the allowances provided for by the acts of July twenty-ninth, eighteen hundred and thirteen, and March third, eighteen hundred and nineteen. June 20, 1864, ch. 139 142

Marine Hospital in Chicago. An act to authorize the Secretary of the Treasury to sell the Marine Hospital and grounds at Chicago, Illinois, and to purchase a new site and build a new hospital. June 20, 1864, ch. 140 142

Idaho Reapportionment of. An act to amend an act entitled "An act to provide a temporary government for the Territory of Idaho," approved March third, eighteen hundred and sixty-three. June 20, 1864, ch. 141 142

Entries of Land in Missouri. An act to confirm certain entries of land in the State of Missouri. June 20, 1864, ch. 142 143

Judicial Districts in Michigan. An act to detach the counties of Calhoun and Branch from the western judicial district, and annex the same to the eastern district of the State of Michigan. June 20, 1864, ch. 143 143

Lands in California—College Rancho. An act concerning lands in the State of California. June 20, 1864, ch. 144 143

Pay of Non-Commissioned Officers and Soldiers, &c. An act to increase the pay of soldiers in the United States army, and for other purposes. June 20, 1864, ch. 145 144

Legislative, Executive, and Judicial Expenses Appropriation. An act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes. June 25, 1864, ch. 147 145

Indian Appropriation. An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes. June 25, 1864, ch. 148 161

Examination of Officers. An act to provide for the examination of certain officers of the army. June 25, 1864, ch. 149 181

Payment for Horses, &c. Lost. An act to amend an act entitled "An act to provide for the payment of horses and other property destroyed in the military service of the United States." June 25, 1864, ch. 150 182

Grade of certain Navy Officers. An act to amend an act entitled "An act to establish and equalize the grade of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two. June 25, 1864, ch. 151 182

Retiring Navy Officers. An act to amend the act of twenty-first December, eighteen hundred and sixty-one, entitled "An act to further promote the efficiency of the navy." June 25, 1864, ch. 152 183

Lands granted to Wisconsin. An act granting lands to the State of Wisconsin to build a military road to Lake Superior, June 25, 1864, ch. 153 183

Lands in Oregon. An act to amend the act of congress making donations to the settlers on the public lands in Oregon, approved September twenty-seven, eighteen hundred and fifty, and the acts amendatory thereto, June 25, 1864, ch. 154 184

Printing Public Documents. An act to expedite and regulate the printing of public documents, and for other purposes. June 25, 1864, ch. 155 184

Public Instruction in the District of Columbia. An act to provide for the public instruction of youth in the county of Washington, District of Columbia, and for other purposes. June 25, 1864, ch. 156 187

Levy Court. An act to amend an act entitled "An act to define the powers and duties of the levy court of the county of Washington, District of Columbia. June 25, 1864, ch. 157... 193

Bailiff of Orphans' Court. An act to authorize the bailiff of the Orphans' Court, in the county of Washington and District of Columbia, to serve processes issued by said court, and for other purposes. June 25, 1864, ch. 158 194

Final Fees for Patents. An act amendatory of an act to amend an act entitled "An act to promote the progress of the useful arts," approved March three, eighteen hundred and sixty-three. June 25, 1864, ch. 159 194

Lands to California. An act to grant to the State of California certain lands for state prison purposes. June 25, 1864, ch. 160 194

Settlement of Claims of Hudson's Bay, &c. Companies. An act to carry into effect a treaty between the United States and her Britanic Majesty for the final settlement of the claims of the Hudson's Bay and Puget's Sound agricultural companies. June 27, 1864, ch. 162 195

Fees of Clerk, &c., in the District of Columbia. An act in relation to the fees and emoluments of the marshal, attorney, and clerk of the supreme court of the District of Columbia, and for other purposes. June 27, 1864, ch. 163 195

Smuggling. An act to prevent smuggling, and for other purposes. June 27, 1864, ch. 164 197

Page

Circuit Court for District of Wisconsin. An act in relation to the circuit court in and for the district of Wisconsin, and for other purposes. June 27, 1864, ch. 165 199

Fugitive Slave Act. An act to repeal the fugitive slave act of eighteen hundred and fifty, and all acts and parts of acts for the rendition of fugitive slaves. June 28, 1864, ch. 166 200

Government Hospital for the Insane. An act to provide for the improvement of the grounds of the government hospital for the insane by an exchange of land. June 28, 1864, ch. 167 200

Public Works in Harbors of Northern Lakes. An act to provide for the repair and preservation of certain public works of the United States. June 28, 1864, ch. 168 200

Colored Catholic Benevolent Society. An act to incorporate the Colored Catholic Benevolent Society. June 28, 1864, ch. 169 201

Seamen. An act repealing certain provisions of law concerning seamen on board public and private vessels of the United States. June 28, 1864, ch. 170 201

Imports, Duties on. An act to increase duties on imports, and for other purposes. June 30, 1864, ch. 171 202

Ways and Means — Bonds, Treasury Notes. An act to provide ways and means for the support of the government, and for other purposes. June 30, 1864, ch. 172 218

Internal Revenue Law. An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes. June 30, 1864, ch. 173 223

Prize Proceedings, &c. An act to regulate prize proceedings and the distribution of prize money, and for other purposes. June 30, 1864, ch. 174 306

Post-Roads. An act to establish certain post-roads. June 30, 1864, ch. 175 316

Washington and Georgetown Railroad Company. An act to amend the charter of the Washington and Georgetown Railroad Company. June 30, 1864, ch. 176 322

Navajoe Indian Captives. An act to aid in the settlement, subsistence, and support of the Navajoe Indian captives upon a reservation in the Territory of New Mexico. June 30, 1864, ch. 177 323

Convention with Colombia. An act to carry into effect a convention between the United States of America and the United States of Colombia. June 30, 1864, ch. 178 323

Navy Yard in Western Waters. An act authorizing the Secretary of the Navy to appoint a commission to select a site for a navy yard or naval station on the western waters, and for other purposes. June 30, 1864, ch. 179 323

Guardian Society. An act granting certain privileges to the "guardian society" of the District of Columbia. June 30, 1864, ch. 180 324

Indians of Middle Oregon. An act to authorize the President of the United States to negotiate with certain Indians of Middle Oregon for a relinquishment of certain rights secured to them by treaty. June 30, 1864, ch. 181 324

Deposit. An act in relation to the village of Deposit, Delaware county, New York. June 30, 1864, ch. 182 324

Pension Agents. An act relating to the compensation of pension agents. June 30, 1864, ch. 183 325

"Yozemite Valley," and "Mariposa Big Tree Grove." An act authorizing a grant to the State of California of the "Yozemite Valley," and of the land embracing the "Mariposa Big Tree Grove." June 30, 1864, ch. 184 325

Las Ormegas and La Nana Grants. An act authorizing the issue of patents for locations made with certificates granted under authority of the act of Congress, approved March seventeenth, eighteen hundred and sixty-two, allowing floats in satisfaction of lands sold by the United States within the limits of the Las Ormegas and La Nana Grants in Louisiana. June 30, 1864, ch. 185 326

Red River of the North. An act to facilitate trade on the Red River of the North. July 1, 1864, ch. 189 326

Metropolitan Railroad Company. An act to incorporate the "Metropolitan Railroad Company," in the District of Columbia. July 1, 1864, ch. 190 326

Potomac Ferry Company. An act to incorporate the Potomac Ferry Company. July 1, 1864, ch. 191 331

Levy Court. An act authorizing the levy court of Washington county, in the District of Columbia, to levy and collect its portion of the direct tax imposed by the act of Congress of August five, eighteen hundred and sixty-one. July 1, 1864, ch. 192 331

Direct Tax in Washington. An act to authorize the corporation of Washington to levy and collect the direct tax imposed by act approved August five, eighteen hundred and sixty-one. July 1, 1864, ch. 193 332

Private Land Claims in California. An act to expedite the settlement of titles to lands in the State of California. July 1, 1864, ch. 194 332

Page

Lot of Land in Fort Crawford Reservation. An act for the sale of a lot of land in Iowa, in the Fort Crawford reservation. July 1, 1864, ch. 195 334

Registers and Receivers of Land Offices. An act to regulate the compensation of registers and receivers of the land offices in the several states and territories in the location of lands by states and corporations under grants from Congress. July 1, 1864, ch. 196 335

Postmasters. An act to establish salaries for postmasters, and for other purposes. July 1, 1864, ch. 197 335

Lands to Kansas. An act making an additional grant of lands to the State of Kansas, to aid in the construction of railroad and telegraph lines. July 1, 1864, ch. 198 339

Telegraphic Communication. An act to encourage and facilitate telegraphic communication between the eastern and western continents. July 1, 1864, ch. 199 340

Naval Hospital, Kittery, Maine. An act repealing so much of "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved March fourteen, eighteen hundred and sixty-four, as appropriates twenty-five thousand dollars for erecting a naval hospital at Kittery, Maine. July 1, 1864, ch. 200 341

Navy. An act to provide for the efficiency of the navy. July 1, 1864, ch. 201 342

Portland and Leavenworth. An act to establish Portland, in the State of Oregon, and Leavenworth, in the State of Kansas, ports of delivery. July 1, 1864, ch. 202 342

Officers and Crew of the Essex. An act to compensate the officers and crew of the iron clad-gunboat Essex for the destruction of the rebel ram Arkansas. July 1, 1864, ch. 203 342

Desertion of Seamen. An act prescribing the punishment for enticing or aiding seamen to desert the naval service of the United States. July 1, 1864, ch. 204 343

Coal Lands and Town Property. An act for the disposal of coal lands and of town property in the public domain. July 1, 1864, ch. 205 343

Sales of Gold and Exchange. An act to repeal the act of the seventeenth of June, eighteen hundred and sixty-four, prohibiting the sales of gold and foreign exchange. July 2, 1864, ch. 209 344

Civil Expenses Appropriation. An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes. July 2, 1864, ch. 210 344

Fortifications and Works of Defence. An act making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes. July 2, 1864, ch. 211 353

Wallabout Bay, Brooklyn. An act to authorize the United States to acquire land in Wallabout Bay, belonging to the city of Brooklyn, and to authorize the exchange of other lands therefor. July 2, 1864, ch. 212 354

Lands to Oregon. An act granting lands to the State of Oregon, to aid in the construction of a military road from Eugene City to the eastern boundary of said state. July 2, 1864, ch. 213 355

Colfax Street. An act to establish Colfax Street in the city of Washington and District of Columbia. July 2, 1864, ch. 214 355

Guerilla Marauders. An act to provide for the more speedy punishment of guerilla marauders, and for other purposes. July 2, 1864, ch. 215 356

Pacific Railroad and Telegraph. An act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two. July 2, 1864, ch. 216 356

Northern Pacific Railroad and Telegraph. An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route. July 2, 1864, ch. 217 365

Rancho Laguna de Santos Callé. An act to quiet the titles to lands within the Rancho Laguna de Santos Callé, in the State of California. July 2, 1864, ch. 218 372

Warrant Officers of the Navy. An act to authorize assimilated rank to be given to the warrant officers of the United States navy, and for other purposes. July 2, 1864, ch. 219 373

Telegraphic Communication. An act for increased facilities of telegraph communication between the Atlantic and Pacific states and the Territory of Idaho. July 2, 1864, ch. 220 373

Reservations of Public Lands. An act in relation to the sale of reservations of the public lands. July 2, 1864, ch. 221 374

Parties may be Witnesses. An act relating to the law of evidence in the District of Columbia. July 2, 1864, ch. 222 374

Page

Branch Mint at San Francisco. An act authorizing the erection of buildings for the branch mint at San Francisco. July 2, 1864, ch. 223 375

Exemplifications by General Land Office. An act prescribing the terms on which exemplifications shall be furnished by the General Land Office. July 2, 1864, ch. 224 375

Sales of Captured and Abandoned Property. An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary states, and to provide for the collection of captured and abandoned property, and the prevention of frauds, in states declared in insurrection. July 2, 1864, ch. 225 375

Bounty Lands. An act providing for satisfying claims for bounty lands, and for other purposes. July 2, 1864, ch. 226 378

National Forces. An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes. July 4, 1864, ch. 237 379

Rooms for Agricultural Department. An act to repeal a joint resolution, entitled "Joint resolution to grant additional rooms to the Agricultural Department," and for other purposes. July 4, 1864, ch. 238 381

Smuggling. An act making an appropriation to carry into effect "An act to prevent smuggling." July 4, 1864, ch. 239 381

Court of Claims, &c. An act to restrict the jurisdiction of the court of claims, and to provide for the payment of certain demands, quartermasters' stores, and subsistence supplies, furnished to the army of the United States. July 4, 1864, ch. 240 381

Post-Office Department. An act to correct a clerical error in the law of June thirtieth, eighteen hundred and sixty-four, relating to the Post-Office Department. July 4, 1864, ch. 241 . 382

Branch Mint at Dalles City. An act to establish a branch mint of the United States at Dalles city, in the State of Oregon. July 4, 1864, ch. 242 382

Landlord and Tenant Act. An act to regulate proceedings in cases between landlord and tenants in the District of Columbia. July 4, 1864, ch. 243 383

Washington Aqueduct. An act to provide for the supervision, repairs, liabilities, and completion of the Washington aqueduct. July 4, 1864, ch. 244 384

Circuit and District Courts in Northern District of New York. An act to regulate the sessions of the circuit and district courts for the northern district of New York, and for other purposes. July 4, 1864, ch. 245 385

Immigration. An act to encourage immigration. July 4, 1864, ch. 246 385

Pensions and Pensioners. An act supplementary to an act, entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two. July 4, 1864, ch. 247 387

Seamen on Vessels wrecked or lost. An act for the relief of seamen, and others, borne on the books of vessels wrecked or lost in the naval service. July 4, 1864, ch. 248 389

Passengers on Steam Ships, &c. An act further to regulate the carriage of passengers in steam ships and other vessels. July 4, 1864, ch. 249 390

Congressional Globe and Appendix. An act to pay, in part, for publishing the debates of congress, and for other purposes. July 4, 1864, ch. 250 392

Submarine Inventions. An act making an appropriation for testing submarine inventions. July 4, 1864, ch. 251 392

Education of Naval Constructors and Steam Engineers. An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes. July 4, 1864, ch. 252 391

Quartermaster's Department. An act to provide for the better organization of the quartermaster's department. July 4, 1864, ch. 253 394

PUBLIC RESOLUTIONS.

[No. 1.] *Thanks and Medal to Major-General Grant, &c.* Joint resolution of thanks to Major-General Ulysses S. Grant, and the officers and soldiers who have fought under his command during this rebellion; and providing that the President of the United States shall cause a medal to be struck, to be presented to Major-General Grant in the name of the People of the United States of America. December 17, 1863 399

[No. 2.] *Thanks to Captain John Rodgers.* Joint resolution tendering the thanks of congress to Captain John Rodgers, of the United States Navy, for eminent skill and zeal in the discharge of his duties. December 23, 1863 399

[No. 3.] *Public Printing, and Bounties to Volunteers.* Joint resolution to supply, in part, deficiencies in the appropriations for the public printing, and to supply deficiencies in the appropriations for bounties to volunteers. December 23, 1863 399

Page

[No. 4.] *Annual Report of Commissioner of Internal Revenue.* Joint resolution to provide for the printing annually of the report of the Commissioner of Internal Revenue. January 13, 1864. 400

[No. 5.] *Bounties.* Joint resolution to continue the bounties heretofore paid. January 13, 1864. 400

[No. 6.] *Public Printing, and Bounties to Volunteers.* A resolution amendatory of the joint resolution "to supply, in part, deficiencies in the appropriations for the public printing, and to supply deficiencies in the appropriations for bounties to volunteers." January 16, 1864. 400

[No. 7.] *Thanks to Major-General Banks.* A resolution expressive of the thanks of congress to Major-General Nathaniel P. Banks, and the officers and soldiers under his command at Port Hudson. January 28, 1864. 401

[No. 8.] *Thanks to Major-General Burnside, &c.* A resolution of thanks to Major-General Ambrose E. Burnside, and the officers and men who fought under his command. January 28, 1864. 401

[No. 9.] *Thanks to Major-Generals Hooker, Meade, and Howard, &c.* A resolution expressive of the thanks of congress to Major-General Joseph Hooker, Major-General George G. Meade, Major-General Oliver O. Howard, and the officers and soldiers of the army of the Potomac. January 28, 1864. 401

[No. 10.] *Thanks to Cornelius Vanderbilt.* A resolution presenting the thanks of congress to Cornelius Vanderbilt for a gift of the steamship "Vanderbilt." January 28, 1864. 401

[No. 11.] *Public Printing.* A resolution in relation to the public printing. February 3, 1864. 402

[No. 12.] *Thanks to Major-General Sherman.* Joint resolution tendering the thanks of congress to Major-General W. T. Sherman. February 19, 1864. 402

[No. 14.] *Taxes on Lands owned by the United States.* Joint resolution making appropriation for the payment of taxes on certain lands owned by the United States. February 22, 1864. 402

[No. 15.] *Transfer from Military to Naval Service.* A resolution relative to the transfer of persons in the military service to the naval service. February 24, 1864. 402

[No. 16.] *Thanks to Volunteer Soldiers who have reënlisted.* Joint resolutions of thanks of congress to the volunteer soldiers who have reënlisted in the army. March 3, 1864. 403

[No. 17.] *Bounties.* Joint resolution to continue the payment of bounties. March 3, 1864. 403

[No. 18.] *Thanks to Commodore Ringgold.* A resolution of thanks of congress to Commodore Cadwalader Ringgold, the officers and crew of the United States ship "Sabine." March 7, 1864. 403

[No. 20.] *Interest on Public Debt may be anticipated.* Joint resolution to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes. March 17, 1864. 404

[No. 21.] *Steamer "Mohawk," Register to issue to.* A joint resolution authorizing the issue of a register to the steamer "Mohawk." March 25, 1864. 404

[No. 22.] *Thanks to Admiral Porter.* Joint resolution tendering the thanks of congress to Admiral Porter. April 19, 1864. 404

[No. 23.] *Lot of Land to be sold at Auction.* Joint resolution authorizing the Secretary of the Navy to sell at public auction lot numbered thirteen in the village of Sackett's Harbor, New York. April 19, 1864. 404

[No. 24.] *"Cincinnati," Accounts of Crew, &c.* Joint resolution relative to the accounts of the petty officers, and others of the crew of the United States gunboat "Cincinnati." April 19, 1864. 404

[No. 25.] *Fort Pillow, Examination into Attack upon.* Joint resolution directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow. April 21, 1864. 405

[No. 26.] *Decisions of Supreme Court.* A resolution relating to the publication of the decisions of the supreme court of the United States for December term, eighteen hundred and sixty-three. April 22, 1864. 405

[No. 27.] *Duties on Imports.* Joint resolution to increase temporarily the duties on imports. April 29, 1864. 405

[No. 28.] *Volunteers, Payment of.* Joint resolution for the payment of volunteers called out for not less than one hundred days. April 29, 1864. 405

[No. 29.] *Official Reports of Operations of Armies of the United States.* A resolution to provide for the printing of official reports of the operations of the armies of the United States. May 19, 1864. 406

[No. 30.] *Expenses of Joint Committee on Conduct of War.* A resolution for the payment of expenses incurred by the joint committee on the conduct of the war. May 19, 1864. 406

Page

[No. 31.] *Staff-Officers of the Lieutenant-General.* Joint resolution relative to pay of staff-officers of the Lieutenant-General. May 20, 1864 406

[No. 32.] *Member of Congress from Illinois.* Joint resolution providing for the election of a member of Congress for the State of Illinois by the state at large. May 20, 1864 407

[No. 35.] *Amendment of Charter of City of Washington.* A resolution to amend the charter of the City of Washington. June 1, 1864 407

[No. 38.] *Baron de Kalb, Payment to Sailors, &c., of the.* A resolution to compensate the sailors on the gunboat Baron de Kalb, for loss of clothing. June 7, 1864 408

[No. 39.] *Solomon Sharp may accept Testimonial.* A resolution authorizing the acceptance of a certain testimonial from the government of Great Britain. June 7, 1864..... 408

[No. 40.] *Thanks to Lieutenant-Colonel Bailey.* A resolution tendering the thanks of Congress to Lieutenant-Colonel Joseph Bailey, of the fourth regiment of Wisconsin volunteers. June 11, 1864 408

[No. 41.] *Des Moines, Iowa.* Joint resolution granting certain privileges to the city of Des Moines, in the State of Iowa. June 15, 1864 408

[No. 42.] *Revision of Laws of District of Columbia.* A resolution to provide for the revision of the laws of the District of Columbia. June 18, 1864 408

[No. 43.] *Marquette and Ontonagon Railroad.* A resolution explanatory of an act entitled "An act extending the time for the completion of the Marquette and Ontonagon Railroad of the State of Michigan." June 18, 1864..... 409

[No. 45.] *John Ericsson and the Dictator and Puritan.* Joint resolution authorizing the Secretary of the Navy to amend the contract with John Ericsson for the construction of two impregnable floating batteries, the Dictator and the Puritan. June 25, 1864 409

[No. 46.] *Department of Missouri.* Joint resolution amendatory of "An act to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department, or Department of Missouri." June 25, 1864..... 410

[No. 47.] *Clerks at Kittery and Philadelphia Navy Yards.* A resolution for the relief of clerks at the Kittery and Philadelphia Navy Yards. June 25, 1864 410

[No. 49.] *Duties on Imports.* Joint resolution to continue in force the joint resolution entitled "Joint resolution to increase temporarily the duties on imports," approved April twenty-ninth, eighteen hundred and sixty-four. June 27, 1864 411

[No. 50.] *Emancipation Commissioners.* Joint resolution correcting a clerical error in the award of the emancipation commissioners. June 28, 1864..... 411

[No. 51.] *Young Men's Christian Association.* Joint resolution to incorporate the Young Men's Christian Association of the City of Washington. June 28, 1864 411

[No. 53.] *Overland Mail Company.* Joint resolution to authorize the Postmaster-General to extend the contract with the Overland Mail Company. June 30, 1864 411

[No. 54.] *Army Register.* Joint resolution to provide for the publication of a full Army Register. June 30, 1864 412

[No. 55.] *Irish National Fair at Chicago.* Joint resolution authorizing the Secretary of the Treasury to release certain parties from liabilities or payment of duties and penalties therein mentioned. June 30, 1864..... 412

[No. 56.] *Streets, Squares, &c., in Washington not to be unlawfully appropriated.* Joint resolution authorizing the Secretary of the Interior to reclaim and preserve certain property of the United States. June 30, 1864 412

[No. 57.] *Indian Regiments.* Joint resolution for the relief of the officers of the fourth and fifth Indian regiments. June 30, 1864 413

[No. 59.] *Wisconsin.* A resolution for the relief of the State of Wisconsin. July 1, 1864 ... 413

[No. 60.] *Expenses of Surveys of Public Lands.* A resolution explanatory of the tenth section of "An act to reduce the expenses of the survey and sale of the public lands in the United States," approved May 30, 1862. July 1, 1864 414

[No. 61.] *Government Hospital for the Insane.* A resolution to authorize the acquisition of certain land for the use of the Government Hospital for the Insane. July 1, 1864..... 414

[No. 62.] *Naval Pension Fund.* A resolution regulating the investment of the Naval Pension Fund. July 1, 1864 414

[No. 63.] *Agricultural Department.* Joint resolution to grant additional rooms to the Agricultural Department. July 1, 1864 415

[No. 66.] *National Humiliation and Prayer.* A resolution requesting the President to appoint a day for National Humiliation and Prayer. July 2, 1864 415

[No. 67.] *Military Academy at West Point.* Joint resolution in relation to the professors of the Military Academy at West Point. July 2, 1864 416

Page

[No. 68.] *Musicians.* A resolution explanatory of an act entitled "An Act to increase the pay of soldiers in the United States army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four. July 2, 1864. 416

[No. 75.] *Matrons in Hospitals.* A resolution to increase the compensation of matrons in the hospitals. July 4, 1864. 416

[No. 76.] *Sufferers by Accident at Arsenal.* Joint resolution for the relief of the sufferers by a late accident at the U. S. Arsenal in Washington, D. C. July 4, 1864..... 416

[No. 77.] *Special Income Duty.* Joint resolution imposing a special income duty. July 4, 1864. 417

[No. 78.] *Staff-Officers of the Lieutenant-General.* Joint resolution explanatory of a joint resolution relative to pay of staff-officers of the Lieutenant-General. July 4, 1864. 417

STATUTE II. — 1864–5.

Quarantine and Health Laws in New York. An act in addition to the "Act respecting quarantines and health laws," approved February twenty-fifth, one thousand seven hundred and ninety-nine, and for the better execution of the third section thereof. December 15, 1864, ch. 1..... 419

District Courts in Indiana. An act authorizing the holding of a special session of the United States district court for the district of Indiana. December 20, 1864, ch. 2..... 419

Steam Revenue-Cutters for the Lakes. An act to authorize the purchase or construction of revenue-cutters on the lakes. December 20, 1864, ch. 3..... 419

Grade of Vice-Admiral. An act to establish the grade of vice-admiral in the United States navy. December 21, 1864, ch. 6..... 420

Internal Revenue Act amended. An act to amend the act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four. December 22, 1864, ch. 8..... 420

Withdrawal of Goods from Public Stores. An act to extend the time allowed for the withdrawal of certain goods therein named from public stores. December 22, 1864, ch. 9..... 420

Smithsonian Institution. An act to repeal the provision of law requiring certain regents of the Smithsonian Institution to be members of the National Institute. January 10, 1865, ch. 11..... 420

Pensions Appropriation. An act making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, eighteen hundred and sixty-six. January 11, 1865, ch. 12..... 421

Manslaughter in the District of Columbia. An act to amend an act entitled "An act for the punishment of crimes in the District of Columbia," approved March second, eighteen hundred and thirty-one. January 13, 1865, ch. 13..... 421

Postage between Kansas and California. An act to amend an act entitled "An act to provide for carrying the mails from the United States to foreign ports, and for other purposes," approved March twenty-fifth, eighteen hundred and sixty-four. January 20, 1865, ch. 16..... 421

Consular and Diplomatic Appropriation. An act making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-six. January 24, 1865, ch. 18..... 422

Advance of Rank to Army and Navy Officers. An act to provide for an advance of rank to officers of the navy and marine corps for distinguished merit. January 24, 1865, ch. 19..... 424

Oath of Attorneys and Counsellors. An act supplementary to an act entitled "An act to prescribe an oath of office, and for other purposes," approved July two, eighteen hundred and sixty-two. January 24, 1865, ch. 20..... 424

Treasury Notes may be issued in Lieu of Bonds. An act to amend an act entitled "An act to provide ways and means for the support of the government, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four. January 28, 1865, ch. 22..... 425

Post-Office Appropriation. An act making appropriations for the service of the post-office department during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six. January 28, 1865, ch. 23..... 425

Washington Gas-Light Company. An act to amend the charter of the "Washington Gas-Light Company." January 30, 1865, ch. 24..... 426

Metropolitan Railroad Company. An act to amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July first, eighteen hundred and sixty-four. January 30, 1865, ch. 25..... 426

Franklin Insurance Company. An act to amend the act entitled "An act to amend and extend the charter of the Franklin Insurance Company," approved second March, eighteen hundred and thirty-eight. January 30, 1865, ch. 26..... 426

Page

Relief of certain Sioux Indians. An act for the relief of certain friendly Indians of the Sioux nation in Minnesota. February 9, 1865, ch. 29 427

Insane in the District of Columbia. An act to extend to certain persons in the employ of the government the benefits of the Asylum for the Insane in the District of Columbia. February 9, 1865, ch. 30 427

Acting Assistant Treasurers. An act to provide for acting assistant treasurers or depositaries of the United States in certain cases. February 13, 1865, ch. 32 427

National Union Insurance Company. An act to incorporate the National Union Insurance Company of Washington. February 14, 1865, ch. 34 428

Collectors and Surveyors of Customs. An act for the relief of collectors and surveyors of the customs in certain cases. February 14, 1865, ch. 35 429

Mail Service with China. An act to authorize the establishment of ocean mail-steamship service between the United States and China. February 17, 1865, ch. 37 430

Bridge made a Post-road. An act supplementary to an act approved July fourteen, eighteen hundred and sixty-two, entitled "An act to establish certain post-roads." February 17, 1865, ch. 38 431

Bridge made a Post-road. An act to establish a bridge across the Ohio River at Cincinnati, Ohio, a post-road. February 17, 1865, ch. 39 431

Second Assistant Secretary of War. An act authorizing the President to appoint a Second Assistant Secretary of War. February 20, 1865, ch. 41 431

Port of Entry, &c., at Philadelphia. An act to enlarge the port of entry and delivery for the district of Philadelphia. February 20, 1865, ch. 42 431

Arsenal at St. Louis. An act to repeal an act entitled "An act to remove the United States arsenal from the city of Saint Louis and to provide for the sale of the lands on which the same is located." February 20, 1865, ch. 43 432

Indian Title to Lands in Utah. An act to extinguish the Indian title to lands in the territory of Utah suitable for agricultural and mineral purposes. February 23, 1865, ch. 45 432

Lands taken for Indian Reservations. An act to provide for the payment of the value of certain lands and improvements of private citizens appropriated by the United States for Indian reservations, in the Territory of Washington. February 23, 1865, ch. 46 432

Collection of Debts due the United States. An act to facilitate the collection of certain debts due the United States. February 23, 1865, ch. 47 432

City Charter of Washington amended. An act to amend an act entitled "An act to amend an act to incorporate the inhabitants of the city of Washington, passed May fifteen, eighteen hundred and twenty," approved May fifth, eighteen hundred and sixty-four. February 23, 1865, ch. 48 434

Sisters of Mercy incorporated. An act to incorporate the Sisters of Mercy in the District of Columbia. February 23, 1865, ch. 49 435

Columbia Institution, &c. An act to amend an act entitled "An act to incorporate the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind," approved February sixteen, eighteen hundred and fifty-seven. February 23, 1865, ch. 50 436

Interference in Elections prohibited. An act to prevent officers of the army and navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the states. February 25, 1865, ch. 52 437

Medical Corps of the Army. An act to increase the efficiency of the medical corps of the army. February 25, 1865, ch. 53 437

Eastern Judicial District of New York. An act to create the Eastern Judicial District of the State of New York. February 26, 1865, ch. 54 438

Collection District of New York. An act supplemental to an act entitled "An act to annex a part of the State of New Jersey to the collection district of New York, and to appoint an assistant collector to reside at Jersey City," approved February 21, 1863. February 25, 1865, ch. 55 438

Georgetown, D C. An act to authorize the corporation of Georgetown to levy certain taxes. February 25, 1865, ch. 56 439

Streets in Washington, D. C. An act authorizing and requiring the opening of Sixth Street west. February 25, 1865, ch. 57 439

Libel, Prosecutions for. An act in reference to prosecutions for libel in the District of Columbia. February 25, 1865, ch. 58 439

Circuit Courts in Virginia. An act for changing the time for holding the circuit courts in the district of Virginia. February 25, 1865, ch. 59 440

Circuit and District Courts in Nevada. An act providing for a district and a circuit court of the United States for the district of Nevada, and for other purposes. February 27, 1865, ch. 64 440

Page

Smuggling, Seizure of smuggled Goods, &c. An act to revive certain provisions of the act entitled "An act further to provide for the collection of duties on imports and tonnage," approved March three, eighteen hundred and fifteen, and for other purposes. February 28, 1865, ch. 67..... 441

Fortifications' Appropriation. An act making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defence, for the year ending the thirtieth of June, eighteen hundred and sixty-six. February 28, 1865, ch. 68..... 442

Enrolment and License of Vessels. An act relating to the enrolment and license of certain vessels. February 28, 1865, ch. 69..... 444

Admeasurement of Tonnage of Vessels. An act to amend an act entitled "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May sixth, eighteen hundred and sixty-four. February 28, 1865, ch. 70..... 444

Salem and Beverly Collection District, Offices abolished. An act concerning the collection district of Salem and Beverly, in Massachusetts. February 28, 1865, ch. 71..... 444

Michigan City Harbor Company. An act granting to the Michigan City Harbor Company the use of government piers in said harbor for the purpose of protecting said harbor. February 28, 1865, ch. 72..... 445

Legislative, Executive, and Judicial Appropriation. An act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-six, and additional appropriations for the current fiscal year. March 2, 1865, ch. 73..... 445

Navy Appropriation. An act making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and sixty-six. March 2, 1865, ch. 74..... 462

Military Academy. An act making appropriations for the support of the military academy for the year ending the thirtieth of June, eighteen hundred and sixty-six. March 2, 1865, ch. 75..... 467

Solicitor and Naval Judge Advocate-General. An act to establish the office of Solicitor and Naval Judge Advocate. March 2, 1865, ch. 76..... 468

Six Hundred Million Loan. An act to provide ways and means for the support of the government. March 3, 1865, ch. 77..... 468

Internal Revenue. An act to amend an act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four. March 3, 1865, ch. 78..... 469

Enrolment and Calling out of the National Forces. An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes. March 3, 1865, ch. 79..... 487

Duties on Imports. An act amendatory of certain acts imposing duties upon foreign importations. March 3, 1865, ch. 80..... 491

Army Appropriation. An act making appropriations for the support of the army for the year ending thirtieth June, eighteen hundred and sixty-six. March 3, 1865, ch. 81..... 495

National Currency. An act to amend an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof." March 3, 1865, ch. 82..... 498

Enlistments in the District of Columbia. An act to prevent the enlistment of persons charged with crime in the District of Columbia as substitute[s] or as volunteers in the army or navy, and to prevent frauds at the district jail in the city of Washington. March 3, 1865, ch. 83 498

Pensions. An act supplementary to the several acts relating to pensions. March 3, 1865, ch. 84..... 499

Chief of Staff to Lieutenant-General. An act to provide for a chief of staff to the lieutenant-general commanding the armies of the United States. March 3, 1865, ch. 85..... 500

Criminal Procedure, Grand Jury, &c. An act regulating proceedings in criminal cases, and for other purposes. March 3, 1865, ch. 86..... 500

Direct Taxes in Insurrectionary Districts, Conveyances, &c. An act further to amend an act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June seven, eighteen hundred and sixty-two. March 3, 1865, ch. 87..... 501

Central, Western, and Union Pacific Railroad Companies. An act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and to amend an act amendatory thereof, approved July second, eighteen hundred and sixty-four. March 3, 1865, ch. 88..... 504

Postal Laws. An act relating to the postal laws. March 3, 1865, ch. 89..... 504

Page

Freedmen and Refugees. An act to establish a bureau for the relief of freedmen and refugees. March 3, 1865, ch. 90 507

National Military and Naval Asylum. An act to incorporate a national military and naval asylum for the relief of the totally disabled officers and men of the volunteer forces of the United States. March 3, 1865, ch. 91 509

Freedman's Savings and Trust Company. An act to incorporate the Freedman's Savings and Trust Company. March 3, 1865, ch. 92 510

Subsistence Department. An act for the better organization of the subsistence department. March 3, 1865, ch. 93 513

Inspectors of Steamboats. An act to provide for two assistant local inspectors of steamboats in the city of New York, and for two local inspectors at Galena, Illinois, and to reëstablish the board of local inspectors at Wheeling; and also to amend the act approved June eighth, eighteen hundred and sixty-four, entitled "An act to create an additional inspector of steamboats for collection districts of Memphis and Oregon, and for other purposes." March 3, 1865, ch. 94 514

Opinions of the Attorneys-General. An act to provide for the publication of the opinions of the Attorneys-General of the United States. March 3, 1865, ch. 95 514

Carrying the Mails. An act to remove all disqualifications of color in carrying the mails. March 3, 1865, ch. 96 515

Post-Office Department. An act relating to the clerkships in the Post-Office Department. March 3, 1865, ch. 97 515

Attorney-General's Office. An act amendatory of the acts relative to the Attorney-General's office, and to fix the compensation of his assistant and clerks. March 3, 1865, ch. 98 ... 516

Wagon-Roads. An act to provide for the construction of certain wagon-roads in the territories of Idaho, Montana, Dakota, and Nebraska. March 3, 1865, ch. 99 516

Coinage of Three-cent Pieces. An act to authorize the coinage of three-cent pieces, and for other purposes. March 3, 1865, ch. 100 517

Fees of Custom-house Officers. An act to regulate the fees of custom-house officers on the northern, northeastern, and northwestern frontiers of the United States. March 3, 1865, ch. 101 518

Land-Grant to Michigan. An act granting land to the State of Michigan, to aid in building a harbor and ship-canal at Portage Lake, Kawenaw Point, Lake Superior. March 3, 1865, ch. 102 519

Extension of Time for completing certain Railroads. An act to extend the time for the completion of certain railroads to which land-grants have been made in the States of Michigan and Wisconsin. March 3, 1865, ch. 103 520

Post-Roads. An act to establish certain post-roads. March 3, 1865, ch. 104 522

Extension of Time for completing certain Railroads. An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes. March 3, 1865, ch. 105 526

Depositions in Criminal Cases in the District of Columbia. An act to regulate the taking of depositions in certain cases. March 3, 1865, ch. 106 528

Coal Lands. An act supplemental to the act approved first July, eighteen hundred and sixty-four, "for the disposal of coal lands and of town property, in the public domain." March 3, 1865, ch. 107 529

Land-Grant to Michigan. An act to amend an act entitled "An act to amend an act entitled 'An act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said state, and for other purposes.'" March 3, 1865, ch. 108 530

Patents for Lands in Stockbridge, Wisconsin. An act to authorize the issuing of patents for certain lands in the town of Stockbridge, State of Wisconsin, and for other purposes. March 3, 1865, ch 109 530

Quieting of Land-Titles. An act to quiet titles in favor of parties in actual possession of lands situated in the District of Columbia. March 3, 1865, ch. 110 531

Verification of Invoices. An act further to provide for the verification of invoices. March 3, 1865, ch. 111 532

Copyrights for Photographs. An act amendatory of "An act to amend an act entitled 'An act to promote the progress of the useful arts,' approved March three, eighteen hundred and sixty-three." March 3, 1865, ch. 112 533

Witnesses in Courts of the United States. An act to amend the third section of an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth day of June, eighteen hundred and sixty-five, and for other pur-

Page

poses," so far as the same relates to witnesses in the courts of the United States. March 3, 1865, ch. 113 533

Naval Observatory. An act in relation to the Naval Observatory. March 3, 1865, ch. 114..... 533

Ex-Mission of San José. An act for the relief of the occupants of the lands of the ex-mission of San José, in the State of California. March 3, 1865, ch. 115..... 534

Kansas. An act to enable the accounting officers of the treasury to settle the claim of the State of Kansas. March 3, 1865, ch. 116..... 535

Mackerel Fisheries. An act to extend the provisions of the first section of "An act for the government of persons in certain fisheries," approved June nineteenth, eighteen hundred and thirteen. March 3, 1865, ch. 117..... 535

Colored Union Benevolent Association. An act to incorporate the Colored Union Benevolent Association. March 3, 1865, ch. 118..... 535

Metropolitan Railroad Company. An act to amend an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia." March 3, 1865, ch. 119.. 536

Continental Hotel Company. An act to incorporate the Continental Hotel Company of the city of Washington. March 3, 1865, ch. 120..... 537

Juvenile Offenders. An act providing for the confinement of juvenile offenders against the laws of the United States in houses of refuge. March 3, 1865, ch. 121..... 538

Appropriation to pay Settlers in Hoopa Valley for their Improvements on the Indian Reservation. An act to amend an act entitled "An act to provide for the better organization of Indian affairs in California." March 3, 1865, ch. 122..... 538

Wharf at Bath, Maine. An act authorizing the Secretary of the Treasury to lease or sell certain property of the United States at Bath, in the State of Maine. March 3, 1865, ch. 123... 539

Midshipmen in the Navy. An act to increase the pay of midshipmen and others. March 3, 1865, ch. 124..... 539

Capitol Hotel Company. An act to incorporate the "Capitol Hotel Company," in Washington City, District of Columbia. March 3, 1865, ch. 125..... 539

Copyright. An act supplemental to an act entitled "An act to amend the several acts respecting copyright," approved February 3d, 1831, and to the acts in addition thereto and amendment thereof. March 3, 1865, ch. 126..... 540

Indian Appropriation. An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending thirtieth June, eighteen hundred and sixty-six, and for other purposes. March 3, 1865, ch. 127..... 541

PUBLIC RESOLUTIONS.

[No. 1.] *Contingent Fund.* Joint resolution authorizing the Secretary of the Navy to expend a portion of the contingent fund for enlarging the Navy Department building. December 15, 1864..... 565

[No. 3.] *Thanks of Congress to Captain John A. Winslow and others.* A resolution tendering the thanks of congress to Captain John A. Winslow, United States navy, and to the officers and men under his command on board the United States steamer Kearsarge, in the conflict with the piratical craft the "Alabama"; in compliance with the President's recommendation to congress of the fifth of December, eighteen hundred and sixty-four. December 20, 1864..... 565

[No. 4.] *Thanks to Lieutenant Cushing and others.* A resolution tendering the thanks of congress to Lieutenant William B. Cushing, of the United States navy, and to the officers and men who assisted him in his gallant and perilous achievement in destroying the rebel steamer "Albemarle," in compliance with the President's recommendation to congress of the fifth of December, eighteen hundred [and] sixty-four, December 20, 1864... 565

[No. 5.] *Thanks to Major-General Sherman and others.* Joint resolution tendering the thanks of the people and of congress to Major-General William T. Sherman and the officers and soldiers of his command for their gallant conduct in their late brilliant movement through Georgia. January 10, 1865..... 565

[No. 6.] *Reciprocity Treaty.* Joint resolution providing for the termination of the reciprocity treaty of fifth June, eighteen hundred and fifty-four, between the United States and Great Britain. January 18, 1865..... 566

[No. 7.] *Thanks, &c., to General Terry and others.* A resolution to present the thanks of congress to Brevet Major-General Alfred H. Terry, and the officers and men under his command. January 24, 1865..... 566

Page

[No. 8.] *Thanks, &c. of Congress to Admiral Porter and others.* A resolution tendering the thanks of congress to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for their gallantry and good conduct in the recent capture of Fort Fisher. January 24, 1865 566

[No. 9.] *Merchants' Exchange, New York.* Joint resolution authorizing the Secretary of the Treasury to give the necessary notice stipulated pending the intention of the United States to purchase the building known as Merchants' Exchange, New York city, now used for custom-house purposes. January 25, 1865 567

[No. 10.] *Mineral Lands.* Joint resolution reserving mineral lands from the operation of all acts passed at the first session of the thirty-eighth Congress, granting lands, or extending the time of former grants. January 30, 1865 567

[No. 11.] *Amendment of the Constitution.* A resolution submitting to the legislatures of the several states a proposition to amend the constitution of the United States. February 1, 1865 567

[No. 12.] *Electoral College.* Joint resolution declaring certain states not entitled to representation in the electoral college. February 8, 1865 567

[No. 13.] *Naval Force on the Lakes.* Joint resolution to terminate the treaty of eighteen hundred and seventeen, regulating the naval force on the lakes. February 9, 1865 568

[No. 14.] *Thanks, &c., to General Sheridan and others.* Joint resolution tendering the thanks of congress to Major-General Philip H. Sheridan and the officers and men under his command. February 9, 1865 568

[No. 15.] *Congressional Directory.* A resolution providing for the compilation of a Congressional Directory at each session. February 14, 1865 568

[No. 16.] *Smithsonian Institution.* A resolution appointing General Richard Delafield to be a regent of the Smithsonian Institution. February 14, 1865 569

[No. 17.] *Railroad Grants.* A resolution to extend the time for the reversion to the United States of the lands granted by congress to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road. February 17, 1865 569

[No. 18.] *Branch-Mint at Carson City.* Joint resolution to enable the Secretary of the Treasury to obtain the title to certain property in Carson City and State of Nevada, for the purposes of a branch-mint located in said place. February 23, 1865 569

[No. 19.] *Support of recaptured Africans.* Joint resolution to facilitate the adjustment of certain accounts of the American Colonization Society for the support of recaptured Africans in Liberia. February 23, 1865 569

[No. 20.] *The Schooners "Minnie Williams" and "E. M. Baxter."* Joint resolution directing the Secretary of the Treasury to issue American registers to British schooners "Minnie Williams" and "E. M. Baxter." February 28, 1865 570

[No. 23.] *Distribution of Books and Documents.* Joint resolution in relation to the distribution of books and documents. February 28, 1865 570

[No. 24.] *Army Register.* Joint resolution to provide for the publication of a full Army Register. March 2, 1865 570

[No. 25.] *Picture for the Capitol.* Joint resolution authorizing a contract with William H. Powell for a picture for the Capitol. March 2, 1865 570

[No. 27.] *Disabled and discharged Soldiers.* A resolution to encourage the employment of disabled and discharged soldiers. March 3, 1865 571

[No. 28.] *Thanks to Major-General Thomas and others.* Joint resolution of thanks to Major-General George H. Thomas and the army under his command. March 3, 1865 571

[No. 29.] *Enlistments encouraged.* A resolution to encourage enlistments and to promote the efficiency of the military forces of the United States. March 3, 1865 571

[No. 30.] *Inventories.* A resolution to authorize and direct an inventory of articles in the quartermaster's depots of the United States, and in the possession of the naval storekeepers of the United States. March 3, 1865 571

[No. 31.] *International Exhibitions.* A resolution relating to international exhibitions at Bergen in Norway, and Oporto in Portugal, during the summer of eighteen hundred and sixty-five. March 3, 1865 572

[No. 32.] *Paper for Public Printing.* Joint resolution to amend the joint resolution entitled "Joint resolution in relation to the public printing," approved June twenty-third, eighteen hundred and sixty. March 3, 1865 572

[No. 33.] *Inquiries concerning Indian Tribes.* A resolution directing inquiry into the condition of the Indian tribes, and their treatment by the civil and military authorities. March 3, 1865 572

Page

[No. 34.] *Burlington and Missouri River Railroad.* A resolution to extend the time for constructing the Burlington and Missouri River Railroad in Iowa, and filing a map of re-location. March 3, 1865..... 573

[No. 35.] *Pacific Railroad Maps and Documents.* A resolution transferring maps and other documents relating to the surveys of the Pacific Railroad to the Department of the Interior. March 3, 1865..... 573

[No. 36.] *Madison Papers.* A resolution respecting the publication of the papers of James Madison. March 3, 1865..... 573

[No. 37.] *Postal Service.* A resolution to purchase mail-pouches or boxes of Marshall Smith's patent, for the postal service, and for other purposes. March 3, 1865..... 574

LIST

OF THE

PRIVATE ACTS AND RESOLUTIONS

OF CONGRESS

CONTAINED IN THIS VOLUME.

Acts of the Thirty-eighth Congress of the United States.

STATUTE I. — 1863–4.

Page

The British Schooner Glen. An act to indemnify the owners of the British schooner Glen. February 13, 1864, ch. 10 575

Noah Wiswall's Heirs. An act for the relief of the heirs of Noah Wiswall. February 22, 1864, ch. 12 575

Paymaster Edward C. Doran's Accounts. An act to authorize the settlement of the accounts of Paymaster E. C. Doran. March 3, 1864, ch. 19 575

John H. Shepherd and Walter K. Caldwell. An act for the relief of John H. Shepherd and Walter K. Caldwell, of Missouri. March 8, 1864, ch. 25 576

L. F. Cartee. An act for the relief of L. F. Cartee. March 8, 1864, ch. 26 576

John Dickson. An act for the benefit of John Dickson, of Illinois. March 11, 1864, ch. 29 577

John L. Burns. An act granting a pension to John L. Burns of Gettysburg, Pennsylvania. March 14, 1864, ch. 32 577

The French Ship La Manche. An act for the relief of the owners of the French ship La Manche. March 22, 1864, ch. 38 577

E. F. and Samuel A. Wood. An act for the relief of E. F. and Samuel A. Wood. March 28, 1864, ch. 43 577

Israel C. Wait's Representatives. An act in favor of the legal representatives of Israel C. Wait. March 28, 1864, ch. 44 577

Daniel Wormer. An act for the relief of Daniel Wormer. April 9, 1864, ch. 55 578

Darius S. Cole. An act for the relief of Darius S. Cole. April 9, 1864, ch. 56 578

William G. Brown. An act for the relief of William G. Brown. April 9, 1864, ch. 57 579

Joseph Ford. An act confirming the title of Joseph Ford to certain lands in Rice County, in the State of Minnesota. April 19, 1864, ch. 62 579

William C. Walker and Others, Payments to. An act for the relief of William C. Walker and others. May 3, 1864, ch. 75 579

Jesse Williams, Land Patent to issue to. An act for the relief of Jesse Williams. May 3, 1864, ch. 76 579

Asahel Bush. An act to authorize the settlement of the accounts of A. Bush, late public printer for the Territory of Oregon. May 16, 1864, ch. 87 580

Margaret M. Stafford, Pension to. An act for the relief of Margaret M. Stafford, widow of Reuben Stafford, of Coshocton County, Ohio. May 19, 1864, ch. 90 580

Charles L. Nelson, Payment to. An act for the relief of Charles L. Nelson. May 19, 1864, ch. 91 580

Julia A. Ames, Pension to. An act for the relief of Julia A. Ames. May 28, 1864, ch. 100. 580

Frederick A. Beelen, Payment to. An act for the relief of Frederick A. Beelen, late secretary of legation to Chili. June 2, 1864, ch. 105 580

Warren W. Green, Payment to. An act for the relief of Warren W. Green. June 7, 1864, ch. 112 581

Rhoda Wolcott, Pension to. An act for the relief of Rhoda Wolcott, widow of Henry Wolcott. June 20, 1864, ch. 146 581

Isaac Allen. An act to increase the pension of Isaac Allen. June 25, 1864, ch. 161 581

Joseph Hunot and Others, Lands in Missouri released to. An act concerning certain locations of lands in the State of Missouri. June 30, 1864, ch. 186 581

William P. Richner, Payment to. An act for the relief of Lieutenant William P. Richner, seventy-seventh regiment Ohio volunteer infantry. June 30, 1864, ch. 187 582

B. F. Kendall, Allowance in Settlement of Accounts of. An act for the relief of the estate of B. F. Kendall. June 30, 1864, ch. 188 582

Richard Fitch. An act to authorize the Secretary of the Interior to issue a land warrant to Richard Fitch of Ohio. July 1, 1864, ch. 206 582

Page

George F. Nesbitt, Contract with Government. An act for the relief of George F. Nesbitt. July 1, 1864, ch. 207 583

Ida Hoffman, Pension to. An act for the relief of Ida Hoffman. July 1, 1864, ch. 208 583

Richard G. Murphy, Payment to. An act for the relief of Richard G. Murphy. July 2, 1864, ch. 227 583

C. A. Haun, Pension to. An act for the relief of the widow of C. A. Haun. July 2, 1864, ch. 228 583

John Williams, Payment to. An act for the relief of John Williams. July 2, 1864, ch. 229 583

Major N. S. Brenton, Allowance to, in settlement of Accounts. An act for the relief of Major N. S. Brenton, a paymaster in the United States army. July 2, 1864, ch. 230 584

William Sawyer and others. An act for the relief of William Sawyer and others, of the State of Ohio. July 2, 1864, ch. 23 584

Martha Jane Skaggs, Pension to. An act for the relief of Martha Jane Skaggs. July 2, 1864, ch. 232 585

Eliza Cass Woodbridge, Pension to. An act for the relief of Eliza Cass Woodbridge, July 2, 1864, ch. 233 585

Trustees of Blue Mont College. An act to amend an act entitled "An act to enable the trustees of the Blue Mont College to preëmpt a certain quarter-section of land," approved, March two, eighteen hundred and sixty-one. July 2, 1864, ch. 234 585

Sarah Robinson. An act for the relief of Sarah Robinson, widow of Hon. John L. Robinson, late United States marshal for the district of Indiana. July 2, 1864, ch. 235 585

Dr. Charles M. Wetherill, Payment to. An act for the relief of Dr. Charles M. Wetherill. July 2, 1864, ch. 236 585

John C. McConnell, Payment to. An act for the relief of John C. McConnell. July 2, 1864, ch. 254 586

Horace Gates, Pension to. An act for the relief of Horace Gates. July 4, 1864, ch. 255 586

Richard G. Murphy, Payment to. An act for the relief of Richard G. Murphy. July 4, 1864, ch. 256 586

PRIVATE RESOLUTIONS.

[No. 13.] *Commander Abner Read.* Joint resolution authorizing payment of prize money due to Commander Abner Read, U. S. navy, to his widow, Constance Read. February 29, 1864 587

[No. 19.] *J. N. Carpenter.* Joint resolution authorizing the settlement of the accounts of J. N. Carpenter, a paymaster in the United States navy. March 16, 1864 587

[No. 33.] *Green Clay Goodloe.* Joint resolution relating to Green Clay Goodloe. May 20, 1864 587

[No. 34.] *J. H. Clark & Co.* Joint resolution referring the claim of J. H. Clark & Co. to the court of claims. May 26, 1864 587

[No. 36.] *James Keenan.* Joint resolution to settle the account of James Keenan, late consul at Hong Kong, China. June 2, 1864 588

[No. 37.] *William Wheeler Hubbell.* Joint resolution relative to the claims and letters-patent of William Wheeler Hubbell. June 3, 1864 588

[No. 44.] *W. B. Matchett.* A joint resolution for the relief of Rev. W. B. Matchett. June 20, 1864 589

[No. 48.] *Morris S. Miller.* Joint resolution for the relief of Major Morris S. Miller, of the quartermaster's department. June 25, 1864 589

[No. 52.] *W. B. Matchett.* Joint resolution to declare the construction of a joint resolution for the relief of W. B. Matchett, approved, June twenty, eighteen hundred and sixty-four. June 28, 1864 589

[No. 58.] *Mary Kellogg, Pension to.* Joint resolution for the relief of Mary Kellogg. June 30, 1864 589

[No. 64.] *Henry W. Diman.* A resolution providing for adjustment of the accounts of Henry W. Diman. July 1, 1864 590

[No. 65.] *Carlisle Doble.* A resolution for the relief of Carlisle Doble. July 1, 1864 590

[No. 69.] *Daniel Hebard and others.* Joint resolution authorizing the settlement of the accounts of the late Captain Daniel Hebard, of the United States volunteers, and of other officers. July 2, 1864 590

[No. 70.] *John S. Phelps.* Joint resolution to settle and pay the accounts of John S. Phelps, of Missouri, as a member of the thirty-seventh congress. July 2, 1864 590

[No. 71.] *Thomas J. Galbraith.* Joint resolution for the relief of Thomas J. Galbraith. July 2, 1864 591

[No. 72.] *Naham Ward.* Joint resolution to refer the claim of Naham Ward back to the court of claims. July 2, 1864 591

[No. 73.] *Anthony Sweeting.* Joint resolution authorizing the Secretary of the Navy to settle and pay the claim of Anthony Sweeting, late pilot of the United States steamer "Juniata." July 2, 1864 591

[No. 74.] *Alexander Cross.* Joint resolution for the relief of Alexander Cross. July 2, 1864 .. 591

STATUTE II. — 1864–5.

Page

William H. Jameson. An act for the relief of William H. Jameson, a paymaster in the United States army. Dec. 20, 1864, ch. 4 593

George W. Murray. An act for the relief of George W. Murray. Dec. 20, 1864, ch. 5 593

Deborah Jones. An act for the relief of Deborah Jones. Dec. 21, 1864, ch. 7 593

Charles M. Pott. An act for the relief of Charles M. Pott. Dec. 22, 1864, ch. 10 594

Charles Anderson. An act for the relief of Charles Anderson, assignee of John James, of Texas. Jan. 18, 1865, ch. 14 594

George Mowry. An act for the relief of George Mowry. Jan. 18, 1865, ch. 15 594

Jacob Weber. An act for the relief of Jacob Weber. Jan. 20, 1865, ch. 17 594

Emily A. Lyon. An act for the relief of Emily A. Lyon. Jan. 24, 1865, ch. 21 594

Isaac R. Diller. An act for the relief of Isaac R. Diller. Jan. 30, 1865, ch. 27 595

Mary Scales Accardi. An act for the relief of Mary Scales Accardi. Jan. 30, 1865, ch. 28 595

Louis Roberts. An act for the relief of Louis Roberts. Feb. 9, 1865, ch. 31 595

Solomon Wadsworth. An act for the relief of Solomon Wadsworth. Feb. 13, 1865, ch. 33 595

Alexander J. Atocha. An act for the relief of Alexander J. Atocha. Feb. 14, 1865, ch. 36 595

Almond D. Fisk. An act for the relief of the heirs of Almond D. Fisk, deceased. Feb. 17, 1865, ch 40 596

Henry A. Brigham. An act for the relief of Henry A. Brigham. Feb. 20, 1865, ch. 44 596

George A. Schreiner. An act for the relief of George A. Schreiner. Feb. 23, 1865, ch. 51 596

Harriet and Emily W. Morris. An act for the relief of Harriet and Emily W. Morris, unmarried sisters of the late Commodore Henry W. Morris. Feb. 25, 1865, ch. 60 597

Dorsey Edwin William Towson. An act to change the name of Dorsey Edwin William Towson, of Georgetown, in the District of Columbia, to that of Dorsey Edwin William Carter. Feb. 25, 1865, ch. 61 597

Mary Shircliff. An act for the relief of Mary Shircliff. Feb. 25, 1865, ch. 62 597

Rebecca S. Harrison. An act for the relief of Rebecca S. Harrison. Feb. 25, 1865, ch. 63 597

Five surviving Soldiers of the Revolution. An act to pay to each of the surviving soldiers of the Revolution, five in number, whose names are on the pension roll, three hundred dollars annually, as a gratuity, in addition to the pension now paid them. Feb. 27, 1865, ch. 65 597

Chapin Hall. An act for the relief of Chapin Hall. Feb. 27, 1865, ch. 66 598

Charles A. Pitcher. An act for the relief of Charles A. Pitcher. March 3, 1865, ch. 128 598

Sophia Brooke Taylor. An act granting a pension to Sophia Brooke Taylor, widow of the late Major Francis Taylor. March 3, 1865, ch. 129 598

W. H. and C. S. Duncan. An act for the relief of W. H. and C. S. Duncan. March 3, 1865, ch. 130 599

Samuel L. Gerould. An act for the relief of Samuel L. Gerould. March 3, 1865, ch. 131 599

John Hastings. An act for the relief of John Hastings, collector of the port of Pittsburg. March 3, 1865, ch. 132 599

Mary A. Baker. An act for the relief of Mary A. Baker, widow of Brigadier-General Edward D. Baker. March 3, 1865, ch. 133 599

Ellen M. Whipple. An act granting a pension to Ellen M. Whipple, widow of the late Major-General Amiel W. Whipple, of the United States army. March 3, 1865, ch. 134 599

Eliza Berry. An act granting a pension to the widow of the late Major-General Hiram G. Berry. March 3, 1865, ch. 135 600

Ezekiel Darling. An act granting a pension to Ezekiel Darling. March 3, 1865, ch. 136 600

Jean M. Lander. An act for the relief of Jean M. Lander, widow of F. W. Lander, deceased. March 3, 1865, ch. 137 600

Thomas Booth. An act granting a pension to Thomas Booth. March 3, 1865, ch. 138 600

Elizabeth B. Leppien. An act granting a pension to Elizabeth B. Leppien. March 3, 1865, ch. 139 600

Rachel Mills. An act granting a pension to Rachel Mills, widow of Peter Mills, deceased, late a Major in the United States army. March 3, 1865, ch. 140 601

Benjamin Vreeland. An act for the relief of Benjamin Vreeland, surgeon in the navy of the United States. March 3, 1865, ch. 141 601

PRIVATE RESOLUTIONS.

Page

[No. 2.] *Money to be paid Henry C. De Ahna.* Joint resolution authorizing the Secretary of the Treasury to dispose of certain moneys therein mentioned. Dec. 15, 1864..... 603

[No. 21.] *Daniel Collett, Jr.* Joint resolution in the matter of Sergeant Daniel Collett, Jr., deceased. Feb. 25, 1865..... 603

[No. 22.] *James B. Royce.* A resolution for the relief of James B. Royce. Feb. 25, 1865..... 603

[No. 26.] *Paul S. Forbes.* Joint resolution authorizing the Secretary of the Navy to advance to Paul S. Forbes two hundred and fifty thousand dollars additional out of the sum to be paid him under his contract for building a steam screw sloop-of-war. March 2, 1865... 604

[No. 38.] *Lucy A. Rice.* A resolution for the relief of Mrs. Lucy A. Rice, late of Richmond, Virginia. March 3, 1865..... 604

[No. 39.] *Henry S. Stellwagen.* A resolution authorizing the acceptance of a sword of honor from the government of Great Britain, by Captain Henry S. Stellwagen, of the United States navy. March 3, 1865..... 604

[No. 40.] *Garrett R. Barry.* A resolution for the relief of Garrett R. Barry, a paymaster in the United States navy. March 3, 1865..... 604

LIST

OF THE

TREATIES CONTAINED IN THIS VOLUME.

Page

Denmark. Additional articles to the General Convention of Friendship, Commerce, and Navigation. July 11, 1861 605

Ottoman Empire. Treaty of Commerce and Navigation. February 25, 1862 609

Kickapoo Indians. Treaty with. June 28, 1862 623

Ecuador. Convention with, for the mutual adjustment of claims. November 25, 1862 631

Peru. Convention with, in regard to claims upon, for the capture of the "Lizzie Thompson" and "Georgiana." December 20, 1862 635

Peru. Convention with, in regard to claims. January 12, 1863 635

Great Britain. Additional article to the treaty for the Suppression of the Slave-trade. February 17, 1863 645

Belgium. Convention with, to complete by new stipulations the treaty of Commerce and Navigation with, of July 17, 1858. May 20, 1863 647

Great Britain. Treaty with, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies. July 1, 1863 651

Belgium. Treaty with, for the extinguishment of the Scheldt Dues. July 20, 1863 655

Northwestern Bands of Shoshonee Indians. Treaty with. July 30, 1863 663

Chippewa Indians. Supplementary articles to the treaty with the Red Lake and Pembina bands of Chippewa Indians. October 2, 1863 667

Tabeguache Band of Utah Indians. Treaty with. October 7, 1863 673

Shoshonee-Goship Bands of Indians. Treaty with. October 12, 1863 681

Colombia. Convention, extending time for the termination of the commission on claims. February 10, 1864 685

Chippewa Indians. Supplementary articles to the treaty with the Red Lake and Pembina bands of Chippewa Indians. April 12, 1864 689

Chippewas of the Mississippi and Pillager and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota. Treaty with. May 7, 1864 693

Honduras. Treaty of Friendship, Commerce, and Navigation. July 4, 1864 699

Hayti. Treaty of Amity, Commerce, and Navigation, and for the Extradition of Fugitive Criminals. November 3, 1864 711

APPENDIX.

PROCLAMATIONS AND EXECUTIVE ORDERS.

Page

No. 1. Making all rebels and insurgents, and their aiders and abettors subject to martial law, and suspending the writ of habeas corpus in certain cases 730

No. 2. Revoking exceptions in proclamation of August 16, 1861. April 2, 1863 730

No. 3. Act admitting West Virginia as a state to be in force. April 20, 1863 731

No. 4. Plea of alienage not to be allowed to avoid military duty in the case of certain persons. May 8, 1863 732

No. 5. Calling for one hundred thousand militia for six months' service, from Maryland, Pennsylvania, Ohio, and West Virginia. June 15, 1863 733

No. 6. Appointing a day of National thanksgiving, praise, and prayer. July 15, 1863 733

No. 7. Suspending the privileges of the writ of habeas corpus. September 15, 1863 734

No. 8. Permitting commercial intercourse with Alexandria, under certain restrictions. September 24, 1863 735

No. 9. Appointing a day of thanksgiving and praise. October 3, 1863 735

No. 10. Calling for three hundred thousand men to serve for three years, or the war. October 17, 1863 736

No. 11. Granting pardon to those in rebellion, upon conditions, and excepting certain persons. December 8, 1863 737

No. 12. Declaring the discontinuance of discriminating duties of tonnage and impost, as respects vessels of Nicaragua. December 16, 1863 739

No. 13. Declaring that the blockade of Brownsville, Texas, shall cease, so far that, &c. February 18, 1864 740

No. 14. Declaring that the amnesty proclamation does not apply to persons in custody. March 26, 1864 741

No. 15. Revoking the exequatur of Charles Hunt, consul of Belgium at St. Louis, Missouri. May 19, 1864 741

No. 16. Suspending the writ of habeas corpus and establishing martial law in Kentucky. July 5, 1864 742

No. 17. Appointing a day of National humiliation and prayer. July 7, 1864 743

No. 18. Declaring the opinions of the President of the United States as to the plan of restoration of the States in rebellion. July 8, 1864 744

No. 19. Calling for five hundred thousand volunteers for the military service, and ordering draft for the quotas unfilled after fifty days. July 18, 1864 747

No. 20. Proclaiming Newport, Vermont, a port entitled to all privileges in regard to exportation of merchandise in bond. August 18, 1864 748

No. 21. Appointing the last Thursday of November a day of thanksgiving and praise. October 20, 1864 749

No. 22. Declaring Nevada admitted into the Union. October 31, 1864 749

No. 23. Permitting commercial intercourse with Norfolk, Fernandina, and Pensacola. November 19, 1864 750

No. 24. Calling for three hundred thousand volunteers. December 19, 1864 750

No. 25. Proclaiming St. Albans, Vermont, a port entitled to all privileges in regard to exportation of merchandise in bond. January 10, 1865 751

Page

No. 26. Convening an extraordinary session of the Senate on March 4th, 1865 ... 752

No. 27. Ordering deserters to return, and offering pardon. March 11, 1865 ... 752

No. 28. Directing the arrest of those who furnish arms, &c., to hostile Indians within the United States. March 17, 1865 ... 753

No. 29. Declaring certain ports in States lately in rebellion to be closed, as the blockade has been relaxed. April 11, 1865 ... 753

No. 30. Declaring that the port of Key West is to remain open. April 11, 1865 ... 754

No. 31. Relating to reciprocal hospitalities to vessels of war. April 11, 1865 ... 754

No. 32. Appointing the 25th of May a day of National humiliation and mourning. April 25, 1865 ... 755

No. 33. Postponing the day of mourning to 1st June. April 29, 1865 ... 756

No. 34 Offering rewards for the arrest of Jefferson Davis and others for conspiring to procure the murder of Abraham Lincoln. May 2, 1865 ... 756

No. 35. Ordering the arrest of insurgent cruisers, and declaring that hospitalities shall be refused to the public vessels of those nations showing hospitalities to such cruisers. May 10, 1865 ... 757

No. 36. Declaring ports formerly closed to be open; disallowing belligerent rights and removing certain restrictions on trade. May 22, 1865 ... 757

No. 37. Granting pardon and amnesty, except, &c. May 29, 1865 ... 758

No. 38. Reorganizing a Constitutional Government in North Carolina. May 29, 1865 ... 760

No. 39. Reorganizing a Constitutional Government in Mississippi. June 13, 1865 ... 761

No. 40. Removing restrictions on trade east of the Mississippi River. June 13, 1865 ... 763

No. 41. Reorganizing a Constitutional Government in Georgia. June 17, 1865 ... 764

No 42. Reorganizing a Constitutional Government in Texas. June 17, 1865 ... 765

No. 43. Reorganizing a Constitutional Government in Alabama. June 21, 1865 ... 767

No. 44. Rescinding the blockade and declaring its purposes. June 23, 1865 ... 768

No. 45. Removing restrictions on trade west of the Mississippi River. June 29, 1865 ... 769

No. 46. Reorganizing a Constitutional Government in South Carolina. June 30, 1865 ... 769

No. 47. Reorganizing a Constitutional Government in Florida. July 13, 1865 ... 771

No. 48. Removing all restrictions on trade. August 29, 1865 ... 772

No. 49. Declaring martial law no longer in force in Kentucky. October 12, 1865 ... 773

No. 50. Appointing 7th December a day of National thanksgiving. October 28, 1865 ... 773

No. 51. Revoking the suspension of the writ of habeas corpus, except in certain states and territories and in the District of Columbia. December 1, 1865 ... 774

No. 52. Certifying that the Amendment to the Constitution of the United States prohibiting slavery has been ratified by the Legislatures of the requisite number of States, and has become valid as a part of the Constitution. December 18, 1865 ... 774

EXECUTIVE ORDERS.

Respecting soldiers absent without leave. March 10, 1863 ... 775

Offering rewards for the arrest of felons from foreign countries committing felonies in the United States. April 10, 1865 ... 776

Removing all restrictions on trade. April 29, 1865 ... 776

Reëstablishing the authority of the United States in Virginia. May 9, 1865 ... 777

Directing all claims for reward for the arrest of Booth and others, to be presented by January 1, 1866. November 24, 1865 ... 778

PUBLIC ACTS OF THE THIRTY-EIGHTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, A. D. 1863, *and ended on Monday, the fourth day of July, A. D.* 1864.

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

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

1865, ch. 41.
Post, p. 431.

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

The city of Chicago may erect piers in the navigable waters of Lake Michigan, to protect aqueduct-pipes.

Piers to be lighted.

APPROVED, January 16, 1864.

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

1865, ch. 41.
Post, p. 431.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby authorized to appoint, by and with the advice and consent of the Senate, for the term of one year from the passage of this act, an officer in the War Department, to be called the Second Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War belonging to that department as shall be prescribed by the Secretary of War, or as may be required by law.

Second assistant secretary of war authorized for one year.

Salary, duties.

APPROVED, January 19, 1864.

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

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

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

Appropriation for pay, bounty,

&c., of men in Western department.

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

Payment, to whom to be made.

Assignments invalid.

When attorney may receive it.

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

Approved, January 22, 1864.

Jan. 22, 1864.

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

Certain articles of clothing may be carried in the mails.

Rate of postage; to be prepaid.

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

Approved, January 22, 1864.

Jan. 26, 1864.

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

Terms of Federal circuit and district courts in West Tennessee.

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

Special terms.

What notice to be given.

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

Approved, January 26, 1864.

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

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

Transient insane may be admitted to hospital.

Mode of proceeding.

APPROVED, January 28, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

Appropriation for pensions.

For invalid pensions under various acts, one million dollars.

Invalid.

For pensions to widows, mothers, children, and sisters, under the first section of the act of fourth July, eighteen hundred and thirty-six; act of July twenty-first, eighteen hundred and forty-eight; first section of the act of February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; and July fourteenth, eighteen hundred and sixty-two, two million two hundred thousand dollars.

Other pensions.
1836, ch. 362.
1848, ch. 108.
1853, ch. 41.
1858, ch. 85.
1862, ch. 166.

APPROVED, January 29, 1864.

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

Post, p. 419.

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

Special session of the Federal district court in Indiana.

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

What suits, &c. to be there heard.

Juries.

APPROVED, February 12, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twelve thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to enable the Commissioner of Public Buildings to cause the stable at the President's to be rebuilt forthwith.

Appropriation for a stable at the President's.

APPROVED, February 13, 1864.

Feb. 19, 1864.

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

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

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

Terms of the Federal circuit court in California,

in Oregon.

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

Ending of terms.

Circuit court in different districts at same time.

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

Special sessions of circuit court,

how appointed and notified.

Business at such special sessions.

No jury trials.

Issues of fact if jury is waived.

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

Clerks of circuit courts.

Appointment.

Revocation.

Oath of clerk.

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

Bond.

Vacancy in office.

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

Clerks may appoint deputies, and remove them.

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

Oath and bond of deputies.

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

Clerk liable for acts of deputy.

Fees, &c., of clerks.

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

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

Trials of issues of fact without a jury.

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

Form of decision, appeals, writs of error.

Terms of the Federal district court in California,

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

in Oregon.

Repeal of former laws and of inconsistent provisions.

1863, ch. 100, § 4. Vol. xii. p. 794.

1850, ch. 86, §§ 4, 5. Vol. ix. p. 522

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

When act takes effect.

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

APPROVED, February 19, 1864.

Feb. 24, 1864.

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

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be authorized, whenever he shall deem it necessary, during the present war, to call for such number of men for the military service of the United States as the public exigencies may require.

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

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

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

Persons in naval service to be reckoned.

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

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

1864, ch. 237, § 6. *Post*, p. 380.

Volunteers enlisting after draft.

Further drafts.

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

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

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

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

Drafted persons may furnish substitutes.

1865, ch. 79, § 15. *Post*, p. 489.

How long to be exempt.

Who may be employed as substitutes.

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

Payment of commutation money, how to exempt.

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

Who to be enrolled.

Names of what persons to be struck from enrolment list.

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

Seamen drafted may enlist in naval service, &c.

Term of enlistment.

Proof that he is a seaman.

Bounty-money to be deducted from prize-money.

Limit of transfer enlistments.

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

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

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

Enlistments into naval service or marine corps to be credited.
1863, ch. 75. Vol. xii. p. 731.

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

Exempts from enrolment.

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

Law for enrolment into two classes repealed.
1863, ch. 75, §§ 3, 10. Vol. xii. p. 731.

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

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

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

Offenders liable to be punished under the State law.

Additional surgeons to examine drafted persons authorized.

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

Their duties.

Examinations of drafted men may be held at

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

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

different points in district.

Where must be so held.

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

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

Fees. Oath.

Penalty for false swearing.

1865, ch. 79, § 24.

Post, p. 491.

Drafted men may have process for witnesses.

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

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

Penalty for falsely certifying record.

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

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

Evidence as to conscientious scruples.

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

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

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

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

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

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

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

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

1864, ch. 237, § 5.

Post, p. 380.

Bounty, &c., to be refunded.

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

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

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

Physicians not to have fees.

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

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

Who not to be employed in procuring substitutes.

Penalty.

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

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

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

Slaves of loyal masters.

Bounty to master.

Commission to determine compensation to loyal masters of colored volunteers.

How to be mustered into service.

Penalty upon surgeon for making false report, or negligent inspection; 1863, ch. 75, § 15. Vol. xii. p. 734.

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

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

Repeal of inconsistent provisions. 1863, ch. 75. Vol. xii. p. 731.

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

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

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

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

Approved, February 24, 1864.

Feb. 29, 1864.

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

Grade of lieutenant-general revived, and

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

appointment authorized.

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

Pay and allowances.

1798. ch. 47, § 5. Vol. i. p. 558. 1842, ch. 186, § 6; vol. 5, p. 513.

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

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

APPROVED, February 29, 1864.

Feb. 29, 1864.

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

Goods in public stores, &c., when may be entered, and bonds cancelled.

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

Repealing clause.

When act takes effect.

"License" shall extend to what.

1862, ch. 163, § 15. Vol. xii. p. 558.

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

APPROVED, February 29, 1864.

Feb. 29, 1864.

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

Warden of jail to be appointed.

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

Term, salary.

Report.

Power and duty of warden.

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

Transportation of convicts.

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

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

Absence or disability of warden.

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

Bond.

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

Repealing clause.

APPROVED, February 29, 1864.

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

March 3, 1864.

1863, ch. 73. Vol. xii. p. 709.

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

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

Denominations. How disposed. Exempt from taxation.

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

Five-twenty bonds may be issued to certain subscribers.

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

APPROVED, March 3, 1864.

March 3, 1864.

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

Appropriation for protection of overland emigrants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the protection of emigrants by the overland route to the states and territories of the Pacific, the sum of forty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of War: *Provided*, That ten thousand dollars of said appropriation shall be applied to the protection of

Routes.

emigrants on the route from Fort Abercrombie by Fort Benton, and the further sum of ten thousand dollars of said appropriation shall be applied to the protection of emigrants on the route from Niobrarah, on the Missouri River, by the valley of the Niobrarah and Gallatin, in Idaho.

APPROVED, March 3, 1864.

March 7, 1864.

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

Duty on spirits distilled and sold, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, in lieu of the duty provided for in section forty-one of an act entitled "An act to support the government and to pay interest on the public debt," approved July first, eighteen hundred and sixty-two, and in addition to duties payable for licenses, there shall be levied, collected,

1862, ch. 119, § 41. Vol. xii. p. 447.

and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale previous to the first day of July next, of first proof, the duty of sixty cents on each and every gallon; and said duty shall be a lien and charge on such spirits, and also on the interest of all persons in default in the distillery used for distilling the same, with all the stills, vessels, fixtures, and tools therein, and in the lot or tract of land whereon the said distillery is situated, until the said duty shall be paid:

Basis of collection of duty.

Provided, That the said duty on spirituous liquors, and all other spirituous beverages enumerated in this act, shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof.

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

SEC. 2. *And be it further enacted*, That all spirits or other articles on which duties are imposed by the provisions of this act, or of the act referred to in the first section of this act and amendments thereto, which shall be found in the possession or custody or within the control of any person or persons, for the purpose of being sold by such person or persons, in fraud of the internal revenue laws, as heretofore referred to, or with design to avoid payment of said duties, may be seized by any collector or deputy collector who shall have reason to believe that the same are possessed, had, or held for the purpose or design aforesaid, that the same shall be forfeited to the United States; and also all articles of raw materials found in the possession of any person or persons intending to manufacture the same for the purpose of being sold by them, in fraud of said laws, or with design to evade the payment of said duties, and also all tools, implements, instruments, and personal property whatsoever used in the place or building, or within any yard or enclosure where such articles on which duties are imposed, as aforesaid, shall be found, may also be seized by any collector or deputy collector, as aforesaid, and the same shall be forfeited

Proceedings *in rem*.

as aforesaid; and the proceedings to enforce said forfeiture shall be in the nature of a proceeding *in rem* in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction; and any person who shall have in his custody or possession any such spirits or other articles, subject to duty as aforesaid, for the purpose of selling the same with the design of avoiding payment of the duties imposed thereon, shall be liable to a penalty of five hundred dollars, or not less than double the amount of duties fraudulently

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

Custody of property during pendency of proceedings.

Provision in case of perishable property.

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

Certain distilled spirits may be exported without payment of duty.

Drawback not allowed, &c.

Certain laws not repealed hereby.

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

Duty on cotton.

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

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

Cotton sold by government.

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

Duty to be marked on the bales, &c.

Permit for removal.

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

Drawback.

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

Additional duties on distilled spirits.

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

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

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

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

Proviso.

Provisions of former act extended.

1833, ch. 57. Vol. iv. p. 632.

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

Who to be deemed "revenue officers."

APPROVED, March 7, 1864.

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

March 8, 1864.

Washington City Savings Bank incorporated.

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

Name.

Officers; Quorum.

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

Annual and other meetings.

Quorum.

President.

Treasurer, his bond.

Term of office.

Oath.

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

Deposits.

Limit.

Investments.

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

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

Dividends.

Principal, how withdrawn.

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

Penalty for embezzling funds.

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

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

Trustees and managers.

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

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

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

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

Approved, March 8, 1864.

March 8, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for any

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

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

Proviso.

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

Former payments to such guardians declared sufficient.

Proviso.

APPROVED, March 8, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the corporate authorities of the city of Washington, the corporate authorities of the city of Georgetown, and the county authorities of the county of Washington, in the District of Columbia, shall contribute to the expenses of the levy court of the county of Washington, incurred on account of the orphans' court, the office of coroner, and the jail of said county, whenever hereafter imposed by law, in the following proportions, to wit: the city of Washington twelve fifteenths, the city of Georgetown two fifteenths, and the county of Washington one fifteenth of said expenses.

Expenses of Levy Court, how apportioned.

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

Repeal of inconsistent laws.

APPROVED, March 8, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to grant the enrolment and license of the steam-tugs B. F. Davidson and W. K. Muir, now owned by William Porter and William Lurkins, of Milwaukie, in the State of Wisconsin, upon such terms, not inconsistent with law, as to him shall seem just and proper.

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

APPROVED, March 8, 1864.

March 11, 1864.

CHAP. XXVII. — *An Act to establish a uniform System of Ambulances in the Armies of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical director, or chief medical officer, of each army corps shall, under the control of the medical director of the army to which such army corps belongs, have the direction and supervision of all ambulances, medicine, and other wagons, horses, mules, harness, and other fixtures appertaining thereto, and of all officers and men who may be detailed or employed to assist him in the management thereof, in the army corps in which he may be serving.

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

Officers and men of the ambulance corps.

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

To be examined.

Two-horse ambulances to be furnished each army corps.

Distribution.

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

Horse and mule litters.

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

Captain, authority and duties of.

Condition of ambulances.

Instruction of officers and men.

Drill.

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

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

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

Reports.

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

First lieutenant, authority and duties of.

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

Second lieutenant, authority and duties of.

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

Ambulances to be used only for, &c.

Penalty.

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

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

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

Designation;

uniform of the corps.

Officers and men, how detailed, &c.

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

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

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

Report of conduct, &c.

army corps to report to the adjutant-general, from time to time, the conduct and behavior of the officers and enlisted men of the ambulance corps, and the adjutant-general shall forward copies of such reports, so far as they relate to officers and enlisted men of volunteer organizations, to the governors of the states in which such organizations were raised.

Authority of commanders not impaired by this act.

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

APPROVED, March 11, 1864.

March 11, 1864.

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

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

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

APPROVED, March 11, 1864.

March 14, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be,

Deficiency appropriation for 1864.

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

Southeast Executive building.

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

Branch mint at Denver.

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

Interior Department. Returns clerk.

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

Surveyor-general.

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

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

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

Department of Agriculture.

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

For the purchase of sorghum seed, two thousand dollars.

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

For postage, thirteen hundred and twenty dollars.

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

For fuel, three hundred dollars.

War Department. Clerks, &c.

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

Additional assistant secretary.

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

Arms, ordnance, and ordnance stores.

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

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

Surgeon-general's department. Instruments and dressings. Hospital stores, &c.

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

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

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

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

Books, &c.

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

Ice, fruits, &c.

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

For hospital clothing, forty thousand dollars.

For citizen-nurses, thirty-eight thousand dollars.

For sick soldiers in private hospitals, seventeen thousand dollars.

Artificial limbs.

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

Citizen-physicians.

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

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

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

Contrabands.

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

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

Subsistence department.

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

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

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

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

Engineer department.

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

Fortifications.

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

Quartermaster's department.

To supply a deficiency in the appropriation for the quartermaster's department, to wit: —

Horses.

For purchase of cavalry and artillery horses, seventeen millions five hundred thousand dollars.

Supplies.

For regular supplies of the quartermaster's department, eighteen millions five hundred thousand dollars.

Barracks.

For barracks, quarters, etc., three millions five hundred thousand dollars.

Transportation.

For transportation of the army, thirty millions of dollars.

For incidental expenses of the quartermaster's department, two millions of dollars.

For transportation of officers' baggage, one hundred thousand dollars.

Clothing, camp equipage, &c.

For clothing, camp, and garrison equipage, seven millions of dollars.

Adjutant-General's department.

To supply a deficiency in the appropriation for the adjutant-general's department: —

For purchase of books of tactics, twenty-five thousand dollars.

Navy department.

Navy Department. — To supply a deficiency in the appropriation for fuel, and equipment and recruiting, in the bureau of equipment and recruiting, two million dollars.

Clothing.

To supply a deficiency in the appropriation for clothing for the navy, three hundred and fifty thousand dollars.

Naval academy.

To supply a deficiency in the appropriation for contingent expenses of the naval academy, thirty-eight thousand dollars.

Codification of naval laws.

Vol. xii. p. 825.

For salary of commissioner to codify the naval laws, under joint resolution of March third, eighteen hundred and sixty-three, three thousand nine hundred and eighty-three dollars and sixty-seven cents.

Norfolk navy yard.

For additional repairs at the Norfolk navy yard, one hundred and fifty thousand dollars.

Works at Port Royal.

For wharf, machine-shop, bridge, buildings for naval stores, and other works at Port Royal, South Carolina, one hundred and forty-four thousand and six hundred dollars.

Foundry, &c. at Brooklyn navy yard.

To supply a deficiency in the appropriation for filling in the grounds for the new foundry at the Brooklyn navy yard, forty-five thousand nine hundred and seventy-five dollars.

For temporary storehouse for provisions at the Brooklyn navy yard, two thousand dollars.

Boston navy yard.

For temporary storehouse for provisions at the Boston navy yard, two thousand dollars.

State department.

State Department. — For salary of the minister at Salvador, from April sixteenth, eighteen hundred and sixty-three, to June thirtieth, eighteen hundred and sixty-four, at seven thousand five hundred dollars per annum, nine thousand sixty-two dollars and fifty cents.

Miscellaneous.

Miscellaneous. — For salaries of clerks, messengers, watchmen, and

Assistant treasurer.

porter, in the office of the assistant treasurer at New York, twelve thousand dollars.

For additional allowance to clerks in the office of the assistant treasurer at Boston, two thousand dollars.

For compensation to designated depositaries, two thousand dollars.

For salaries of designated depositary at Santa Fé, New Mexico, and the clerk, watchman, and porter in his office, four thousand eight hundred dollars.

Electric telegraph.

For supplying deficiency in the appropriation for facilitating communication between the Atlantic and Pacific States by electrical telegraph, twenty thousand dollars.

Treasury extension.

For refunding to the appropriation for the treasury extension the amount of payments made out of that fund for furniture, night-watch, and other miscellaneous items, one hundred and fifty thousand dollars.

For the continuation of the north wing of the treasury extension, fencing, grading, and miscellaneous items, two hundred and fifty thousand dollars.

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

New York Custom-house, &c.

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

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

Custom-houses, &c.

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

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

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

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

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

Ephraim Swett.

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

Patent-office building.

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

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

Capitol extension.

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

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

Post-office building; in Philadelphia.

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

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

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

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

Indian agents in Utah and Nevada.

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

Public printing, paper, &c.

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

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

Post, p. 118.

Report of Superintendent.

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

Binding.

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

Lithographing, &c.

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

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

Light-house establishment.

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

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

Stationery.

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

Ordnance, &c. in navy department.

To supply a deficiency in the appropriation for ordnance, ordnance stores, labor, and contingent expenses in the bureau of ordnance of the navy department, two million seven hundred and forty thousand dollars:

Proviso.

Provided, however, That no money shall be paid under this item of appropriation except for deficiencies actually existing upon contracts made by the navy department.

Naval hospitals and asylum.

Post, p. 341.

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

Post, pp. 466, 467.

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

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

Capitol police.

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

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

Miscellaneous, for Senate.

To supply a deficiency in the appropriation for miscellaneous items for the Senate, twenty thousand dollars: *Provided*, That, hereafter no

Payments from contingent fund, how alone made.

payment shall be made from the contingent fund of either house of congress, unless sanctioned by the committee to audit and control the contingent expenses of the Senate, or the committee on accounts of the House of Representatives, respectively; and no transfer of balances of appropriations shall be made from one fund to another, except by law.

Officers, &c. of House of Representatives.

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

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

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

For folding documents, forty thousand dollars.

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

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

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

For stationery, nine thousand dollars.

Transfer of balance for engraving, &c.

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

Additional assistant secretary of the treasury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissary-general.

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

Chief of ordnance.

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

Chief engineer.

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

Appointment.

And the several clerks and employees authorized by this section shall be appointed by the heads of the departments to which they are severally attached, and the amount necessary to pay their salaries from the time

Appropriation for salaries.

of their appointment to the thirtieth of June, eighteen hundred and sixty-four, is hereby appropriated therefor; and the heads of the said

Females may be employed.

several departments are hereby authorized to employ females instead of any of the clerks hereinbefore designated, at an annual compensation not exceeding six hundred dollars per year, whenever, in their opinion, the same can be done consistently with the interests of the public service:

This to include former temporary clerks.

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

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

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

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

APPROVED, March 14, 1864.

March 14, 1864.

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

University lands in Washington Territory. Preamble.

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

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

1854, ch. 84, § 4. Vol. x. p. 305.

Bona fide sales approved.

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

APPROVED, March 14, 1864.

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

March 15, 1864.

1834, ch. 161, § 20. Vol. iv. p. 732.

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

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

Proviso.

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

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

Ardent spirits to be destroyed.

Indians competent witnesses.

APPROVED, March 15, 1864.

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

March 16, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and sixty-five, out of any moneys in the treasury arising from the revenues of the said department, in conformity to the act of the second of July, eighteen hundred and thirty-six: —

Appropriations for Post-Office Department.

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

Transportation of mails.

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

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

Ship, &c., letters.

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

Postmasters.

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

Clerks.

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

Letter-carriers.

Wrapping-paper, twine, &c.

For wrapping-paper, eighty-eight thousand dollars.

For twine, sixteen thousand dollars.

For office stamps, five thousand dollars.

For letter balances, two thousand five hundred dollars.

Blank agents, &c.

For compensation to blank agents and assistants, six thousand five hundred dollars.

For office furniture, two thousand dollars.

For advertising, thirty-five thousand dollars.

Postage stamps and stamped envelopes, mail-bags and locks, &c.

For postage stamps and stamped envelopes, ninety thousand dollars.

For mail depredations and special agents, sixty thousand dollars.

For mail-bags, sixty thousand dollars.

For mail locks and keys, ten thousand dollars.

Foreign balances.

For payment of balances due to foreign countries, two hundred thousand dollars.

Miscellaneous.

For miscellaneous payments, two hundred thousand dollars.

Deficiency appropriation, if necessary.

SEC. 2. *And be it further enacted*, That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations of this act, then the sum of one million five hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending the thirtieth of June, eighteen hundred and sixty-five.

APPROVED, March 16, 1864.

March 16, 1864.

1863, ch. 71, § 42.

Vol. xii. p. 708.

CHAP. XXXV. — *An Act in Addition to an Act to amend the Laws relating to the Post-Office Department, approved March three, eighteen hundred and sixty-three.*

Franking privilege of President and Vice-President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the franking privilege of the President and the Vice-President of the United States shall extend to and cover all mail matter sent from, or directed to, either of them.

APPROVED, March 16, 1864.

March 21, 1864.

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

Territory of Nevada made a state, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the territory of Nevada included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said territory, a state government, with the name aforesaid, which said state, when formed, shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever.

Boundaries.

SEC. 2. *And be it further enacted*, That the said state of Nevada shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the state of California; thence in a northwesterly direction along the said eastern boundary line of the state of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the state of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning.

Who may vote at first election.

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

Enlisted soldiers.

Apportionment of representatives.

Time of first election, &c.

Meeting of convention to form state constitution.

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

Proviso.

No slavery or involuntary servitude.

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

Religious toleration.

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

Unappropriated public lands.

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

Taxes.

Constitution to be submitted to popular vote.

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

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

Voting and returns.

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

Representative in congress.

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

School lands.

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

Land for public buildings;

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

for penitentiary building.

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

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

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

Laws of the United States made applicable.

Judicial district.

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

Approved, March 21, 1864.

March 21, 1864.

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

Territory of Colorado made a state, &c.

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

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

Boundaries.

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

Who may vote at first elections.

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

Enlisted soldiers.

Apportionment of representatives.

Time of first election, &c.

Meeting of convention to form state constitution.

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

Proviso.

No slavery or involuntary servitude.

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

Religious toleration.

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

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

Unappropriated public lands.

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

Taxes.

Constitution to be submitted to popular vote.

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

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

Voting and returns.

Representative in congress.

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

School lands.

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

Lands for public buildings;

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

for penitentiary building.

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

Five per cent. of sales of public

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

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

Laws of the United States made applicable.

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

Judical district.

APPROVED, March 21, 1864.

March 21, 1864.

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

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

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

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

Commissions to receivers and registers.

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

Certain persons may make affidavit before clerk of court.

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

Fees of registers and receivers in preëmption claims.

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

1841, ch. 16, § 12. Vol. v. p. 456.

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

Time for filing certain affidavits extended to certain preëmptors.

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

1841, ch. 16, § 13. Vol. v. p. 456.

Additional fees and allowances to certain registers and receivers.

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

Proviso.

APPROVED, March 21, 1864.

March 25, 1864.

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

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

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

Master to make return under oath.

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

Penalty for failure.

Contracts for carrying mail matter by Panama or Nicaragua.

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

Cost not to exceed, &c.

If more than one company renders the service.

Postage on mail matter between Kansas and California.

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

Proviso.

Post, pp. 421, 422.

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

Proviso.

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

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

Appropriation for Pacific coast.

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

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

for advertising such coach or vessel.

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

Vol. x. p. 141.

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

APPROVED, March 25, 1864.

CHAP. XLI. — *An Act to authorize the President to negotiate a Treaty with the Klamath, Modoc, and other Indian tribes in Southeastern Oregon.* March 25, 1864.

Treaties with Indians in southeastern Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he hereby is, authorized to conclude a treaty with the Klamath, Modoc, and Snake Indians in southeastern Oregon for the purchase of the country occupied by them.

Appropriation.

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

APPROVED, March 25, 1864.

CHAP. XLII. — *An Act to carry into Effect the Convention with Ecuador for the mutual Adjustment of Claims.* March 28, 1864.

Pay of commissioner under convention with Ecuador.

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

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

Pay, if minister resident at Ecuador is appointed commissioner.

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

1856, ch. 127, § 9. Vol. xi. p. 56.

Contingent expenses and those of umpire.

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

Appropriation.

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

Approved, March 28, 1864.

April 1, 1864.

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

Military Academy appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the support of the military academy for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

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

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

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

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

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

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

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

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

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

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

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

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

For warming apparatus for barracks, fifteen thousand dollars.

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

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

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

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

Pay of cadets, and appropriation.

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

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

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

Appropriation to apply only to cadets regularly appointed.

APPROVED, April 1, 1864.

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

April 1, 1864.

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

Pension to surviving soldiers of the Revolution.

APPROVED, April 1, 1864.

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

April 1, 1864.

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

Appointment of acting assistant paymasters in the navy.

Age.

Number.

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

Age of students at naval academy.

APPROVED, April 1, 1864.

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

April 8, 1864.

1865, ch. 122. *Post*, p. 538.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the first day of April, anno Domini eighteen hundred and sixty-four, the state of California shall, for Indian purposes, constitute one superintendency, for which there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a superintendent of Indian

California to constitute one Indian superintendency.

Superintendent, salary. bond, oath of office.

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

Clerk, salary.

Indian reservations in California.

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

Location.

Proviso.

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

Tracts may or may not include present reservations.

Reservations not retained to be surveyed and offered for sale.

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

Minimum price.

Sale, how conducted.

Agent for each reservation.

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

Residence, duties.

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

Bond of agents.

Term of office, salary.

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

Physician, blacksmith, farmer, carpenter, &c.

Pay.

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

Reservations, how to be surveyed.

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

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

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

Repealing clause.

Offices, &c., abolished.

APPROVED, April 8, 1864.

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

April 8, 1864.

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

Union Gaslight Company incorporated.

Name; authority.

Not to create a nuisance.

To be under direction of city authorities.

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

Capital stock.

Number of shares.

How transferable.

be transferable in such manner as the by-laws of said company may direct.

Subscription books to be opened.

SEC. 3. *And be it further enacted*, That within six days after this act is approved by the President of the United States, the corporators named in the first section, or a majority of them, or, if any refuse or neglect to act, then a majority of the others, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the city of Washington, from nine o'clock in the forenoon till three o'clock in the afternoon, for a period of not less than three days, and as much longer as the said corporators shall prescribe, and the said corporators shall give public notice of the time and place of opening said books of subscription, by advertisement thereof in the daily papers published in the city of Washington, and subscribers to the capital stock of said company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount subscribed by him to the treasurer, who shall be appointed by the said corporators to receive the same, or his subscription shall be null and void.

Payment at time of subscription.

First meeting.

SEC. 4. *And be it further enacted*, That when the minimum amount of the capital stock of said company, as prescribed in the second section, shall have been subscribed, and twenty-five per centum thereof paid as aforesaid, the said corporators, or a majority of them, and in case any refuse to act, then a majority of the others, shall, within fifteen days thereafter, call the first meeting of the stockholders of said company, to be held at some convenient place in the city of Washington, for the election of directors, of the time and place whereof notice shall be given for at least five days in at least two daily newspapers published in the city of Washington, or by written notice thereof, signed by one or more of said corporators, and personally served on each stockholder; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given either in person or by proxy.

Notice.

Voting.

President and directors.

SEC. 5. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, composed of seven members, who shall be stockholders, and who shall hold their office for the term of one year, and until others are duly elected and qualified to take their places as directors; and the said directors shall elect one of their number to be president of the board, who shall also be president of the company, and a majority of the board shall constitute a quorum to do business; and they shall choose a treasurer, who shall give bond with sufficient surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, removal, refusal to act, or otherwise, the vacancy occasioned thereby shall be filled by the other directors.

Quorum.

Treasurer.

Vacancies.

Annual meeting.

SEC. 6. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for the election of directors, to be held at such time and place, and under such rules and regulations as the said company in their by-laws shall prescribe, and the directors shall make an annual report in writing of their proceedings to the stockholders.

By-laws.

SEC. 7. *And be it further enacted*, That the directors shall have full power to make all such by-laws as they shall deem necessary for the regulation, management, and disposition of the stock, effects, and property of the said company, and for the proper execution of the business of the company, so as the same shall not be contrary to this charter, to the laws of the United States, or to the ordinances of the city of Washington.

Notes, &c., not to be issued as currency.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said company to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

SEC. 9. *And be it further enacted*, That if any person or persons shall

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

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

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

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

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

APPROVED, April 8, 1864.

CHAP. L. — *An Act to incorporate Providence Hospital of the City of Washington, District of Columbia.* April 8, 1864.

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

Real estate not to exceed, &c.

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

Officers of corporation.

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

Vacancies.

Powers.

By-laws.

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

Proviso.

Act may be altered, &c.

APPROVED, April 8, 1864.

April 8, 1864.

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

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

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

Oath, bond.

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

Present notaries to give bond, or lose office.

Authority of notaries public.

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

Foreign bills.

Inland bills, &c.

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

Acknowledgments, oaths, &c.

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

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

Record. Certified copies.

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

Notarial seal.

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

To be exempt from execution.

Records in case of death, resignation, &c.

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

Original protest to be prima facie evidence of facts stated therein.

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

Certificate to be like evidence.

Fees of notaries public.

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

Penalty for taking higher fees.

Repealing clause.

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

APPROVED, April 8, 1864.

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

Columbia Institution for the deaf and dumb and the blind may confer degrees.

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

APPROVED, April 8, 1864.

April 9, 1864.

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

1862, ch. 200. § 9. Vol. xii. p. 595.

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

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

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

Pensions to chaplains.

1862, ch. 166. Vol. xii. p. 566.

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

Chaplains to make monthly reports.

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

Religious services by chaplains.

APPROVED, April 9, 1864.

April 9, 1864.

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

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

Appraiser and assistant appraiser at Portland, Maine.

1822, ch. 107, § 9. Vol. iii. p. 695.

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

Pay of deputy collectors, appraiser, and assistant appraisers.

APPROVED, April 9, 1864.

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

April 14, 1864.

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

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

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

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

West Virginia to have the benefit of this act.

APPROVED, April 14, 1864.

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

April 19, 1864.

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

Nebraska territory made a state.

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

Boundaries.

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

Who may vote and who be elected to office.

Convention to form constitution.

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

Enlisted citizens.

Apportionment of representatives to form convention.

Election of representatives, how conducted.

Number.

Meeting of convention.

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

May form constitution.

Proviso.

Slavery prohibited.

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

Religious toleration.

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

Unappropriated public lands.

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

Taxes.

Constitution to be submitted to popular vote.

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

Proceedings.

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

Proclamation by the President declaring the state admitted.

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

One representative in Congress.

Election of, and of state officers.

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

School lands.

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

Lands for public buildings;

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

for buildings for penitentiary;

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

for State University.

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

Salt springs.

Proviso.

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

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

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

Laws of United States made applicable.

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

Expenses of convention.

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

Approved, April 19, 1864.

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

April 19, 1864.

Preamble.

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

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

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

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

Arsenal, &c., to be built thereon.

Compensation for private property taken.

Mode of procedure where damages are agreed upon.

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

Proviso.

Deed to be given.

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

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

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

Commissioners to be appointed, &c.

Report to the circuit court.

Pay of commissioners.

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

Court to order payment.

Proviso.

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

Appeal from decision of commissioners.

Time of proceedings.

Proviso.

Trial by jury.

Complainants may be required to give security for costs.

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

Appeal to the supreme court of the United States.

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

Proviso.

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

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

Effect of such payment.

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

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

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

APPROVED, April 19, 1864.

April 19, 1864.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service who were lost in the United States brig "Bainbridge," as well as the time to which the pay of said officers, seamen, marines, and others in the service shall be allowed, the twenty-first day of August, in

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

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

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

Accounts of Charles C. Walden, acting assistant paymaster, to be settled.

SEC. 3. *And be it further enacted*, That the proper accounting officers of the treasury department be, and are hereby, authorized and directed to settle the accounts of Charles C. Walden, late acting assistant paymaster, in the navy, who was lost in the brig "Bainbridge," with all his accounts and vouchers for expenditures and payment made by him, and with all the money, stores, and supplies procured for the use of said vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the department.

APPROVED, April 19, 1864.

April 21, 1864.

1862, ch. 183. Vol. xii. p. 583.

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

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

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

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

of whom to consist.

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

Officers interested may be present at examination.

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

Record of case to be presented to the President.

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

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

Certain officers, not recommended for promotion,

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

may present themselves for examination, &c.

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

When may be promoted.

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

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

Fleet paymasters and engineers.

Retired pay of surgeons, paymasters, &c.

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

Repealing clause.

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

Approved, April 21, 1864.

April 21, 1864.

1863, ch. 75, § 5. Vol. xii. p. 732.

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

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

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

Repealing clause.

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

Approved, April 21, 1864.

April 21, 1864.

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

District of Presque Isle to be known as Erie.

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

Approved, April 21, 1864.

April 22, 1864.

1857, ch. 56, Vol. xi. p. 163.

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

Standard weight, &c., of the cent.

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

Two-cent pieces to be coined.

Shape, devices, &c.

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

Present laws extended thereto.

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

Director of mint to secure conformity of alloy in such coins.

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

Such coins to be legal tender and for what sums.

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

Penalty for making coins intended to be passed as cents, &c.

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

APPROVED, April 22, 1864.

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

Masonic Hall Association incorporated.

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

Lodge, No. 18; N. D. Larner, of Lafayette Lodge, No. 19, of the order of free and accepted masons, of the District of Columbia, and their successors to be appointed in the manner hereinafter declared, representing the several masonic bodies before named, be, and they are hereby, incorporated and made a body politic and corporate, by the name of the Masonic Hall Association of the District of Columbia, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, of competent jurisdiction, and may have and use a common seal, and the same change at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation.

Powers of corporation.

Limit to amount of land.

SEC. 2. *And be it further enacted*, That the said corporation shall be capable of taking and holding real and personal estate, which estate, personal and real, shall never be divided among the members of the said corporation, but shall descend to their successors, duly elected and appointed in the manner hereinafter declared by the bodies they represent, for the promotion of the principles of the said corporation, and the benevolent purposes of the order of free and accepted masons, which they represent: *Provided*, That said corporation shall take and hold no more land than is necessary for a site on which to erect a masonic hall, suitable and convenient for the transaction of the business of the association and the promotion of the principles and purposes aforesaid. But this provision shall not prevent the said corporation from constructing suitable rooms and offices in connection with the said hall, to rent, and renting the same, and receiving rent therefor, to be applied to the promotion of the principles and purposes aforesaid.

Rooms, &c., may be rented.

Capital stock; number of shares, &c.

SEC. 3. *And be it further enacted*, That the capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, and that the stock shall be divided into shares of twenty dollars each; and shall be deemed personal property, transferable in such manner as the constitution and by-laws of said corporation may direct.

Books of subscription to capital stock to be opened.

SEC. 4. *And be it further enacted*, That within twenty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of the said corporation to be opened and kept open in such place and for a period to be fixed by said corporators, or a majority of them, public notice of which may be given by advertisement or otherwise as said corporators or a majority of them may determine; and subscribers upon said books to the capital stock of the corporation shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, such per centum of the amount by him subscribed to the treasurer elected or appointed by the corporators, or a majority of them, as may be required by said corporators or a majority of them, or his subscription shall be null and void. And when the books of subscription to the capital stock of said corporation shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said corporation, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for three days in two public newspapers published daily in Washington city, or by written personal notice served on each stockholder, by the secretary or clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Who to be stockholders.

First meeting, how called.

Votes.

Directors.

SEC. 5. *And be it further enacted*, That the government and direction of the affairs of the corporators shall be invested in a board of directors, five in number, elected by the stockholders on the first Monday of December in each year from among the corporators named in the first section of this act, and their successors, elected or appointed in the manner herein-

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

President, secretary, and treasurer.

Quorum.

Vacancies.

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

By-laws.

Interest, dividends, &c.

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

Corporation to consist of one corporator from certain masonic bodies.

Proviso.

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

New masonic bodies, how admitted.

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

Act may be amended, repealed, &c.

APPROVED, April 26, 1864.

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

April 26, 1864.

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

Register to issue to steamer John Martin.

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

Approved, April 26, 1864.

April 29, 1864.

Chap. LXIX. — *An Act fixing certain Rules and Regulations for preventing Collisions on the Water.*

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

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

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

Regulations.

REGULATIONS FOR PREVENTING COLLISIONS ON THE WATER.

CONTENTS.

Article 1. Preliminary.

Rules concerning lights: —

" 2. Lights to be carried as follows:
" 3. Lights for steamships.
" 4. Lights for steam-tugs.
" 5. Lights for sailing-ships.
" 6. Exceptional lights for small sailing-vessels.
" 7. Lights for ships at anchor.
" 8. Lights for pilot-vessels.
" 9. Lights for fishing-vessels and boats.

Rules concerning fog-signals: —

" 10. Fog-signals.

Steering and sailing rules:

" 11. Two sailing-ships meeting.
" 12. Two sailing-ships crossing.
" 13. Two ships under steam meeting.
" 14. Two ships under steam crossing.
" 15. Sailing-ship and ship under steam.
" 16. Ships under steam to *shacken* [slacken] speed.
" 17. Vessels overtaking other vessels.
" 18. Construction of articles 12, 14, 15, and 17.
" 19. Proviso to save special cases.
" 20. No ship under any circumstances to neglect proper precautions.

PRELIMINARY.

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

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

Rules for lights.

RULES CONCERNING LIGHTS.

LIGHTS.

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

LIGHTS FOR STEAMSHIPS.

Lights for steamships;

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

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

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

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

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

LIGHTS FOR STEAM-TUGS.

for steam-tugs.

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

LIGHTS FOR SAILING-SHIPS.

for sailing-ships.

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

EXCEPTIONAL LIGHTS FOR SMALL SAILING-VESSELS.

Exceptional lights for small sailing-vessels.

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

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

LIGHTS FOR SHIPS AT ANCHOR.

Lights for ships at anchor;

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

LIGHTS FOR PILOT-VESSELS.

for pilot-vessels.

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

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

LIGHTS FOR FISHING-VESSELS AND BOATS.

Lights for fishing-vessels and boats.

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

RULES GOVERNING FOG-SIGNALS.

FOG-SIGNALS.

Rules for fog-signals.

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

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

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

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

STEERING AND SAILING RULES.

Steering and sailing rules.

TWO SAILING-SHIPS MEETING.

Two sailing-ships meeting;

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

TWO SAILING-SHIPS CROSSING.

Two sailing-ships crossing.

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

TWO SHIPS UNDER STEAM MEETING.

Two ships under steam meeting;

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

TWO SHIPS UNDER STEAM CROSSING.

Two ships under steam crossing.

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

SAILING-SHIP AND SHIP UNDER STEAM.

Sailing-ship and ship under steam.

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

SHIPS UNDER STEAM TO SLACKEN SPEED.

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

VESSELS OVERTAKING OTHER VESSELS.

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

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

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

PROVISO TO SAVE SPECIAL CASES.

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

NO SHIP UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

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

APPROVED, April 29, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the sale or transfer of any vessel of the United States in a foreign port or water, the consul, vice-consul, commercial agent, or vice-commercial agent of the United States within whose consulate or district such sale or transfer shall have been made, or in whose hands the papers of such vessel shall be, be and he is hereby authorized and required to collect of the master or agent of such vessel, all moneys that shall have become due to the United States under and by virtue of the act entitled "An act for the relief of sick and disabled seamen," approved July sixteenth, seventeen hundred and ninety-eight, and shall remain unpaid at the time of such sale or transfer; and that the said consul, vice-consul, commercial agent, or vice-commercial agent, (as the case may be,) be, and he is hereby, instructed and required to retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of which, such sale or transfer shall be void, excepting as against the vendor: *Provided,* That this act shall not take effect until the expiration of sixty days from and after its passage. Hospital dues to be collected from United States vessels sold in foreign ports. 1798, ch. 77. Vol. i. p. 605. When act takes effect.

APPROVED, April 29, 1864.

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

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

Pay of inspectors of customs in certain ports may be increased until July 1, 1865. [Extended to July 1, 1866. *Post*, p. 460.]

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

Approved, April 29, 1864.

April 29, 1864.

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

Subdivision of donation claims in Oregon and Washington.

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

Approved, April 29, 1864.

April 29, 1864.

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

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

1865, ch. 89, § 2.

Post, p. 505.

When money is to be refunded.

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

Approved, April 29, 1864.

May 3, 1864.

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

Appropriation for refugee and destitute Indians in the southern superintendency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the removal and temporary relief of the refugee and destitute Indians in the southern superintendency, viz: for expenses of transportation and subsistence by the way to the Indian territory, fifty-two thousand dollars; for temporary subsistence in the Indian country of refugee and destitute Indians, to the close of the present fiscal year, one hundred and fifty-three thousand dollars; for seeds, ploughs, and necessary agricultural implements, to enable them to raise a crop the present season, eighteen thousand dollars.

Approved, May 3, 1864.

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

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

Indian reservations in Utah Territory to be surveyed and sold.

Uinta valley excepted.

Mode of sale.

Proceeds of sales, how to be applied.

Minimum price.

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

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

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

Appropriation for agricultural improvements therein.

APPROVED, May 5, 1864.

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

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

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

Penalty.

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

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

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

When act takes effect.

APPROVED, May 5, 1864.

May 5, 1864.

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

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

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

Reserved or preëmpted lands.

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

Lands granted, how to be applied.

Not to be applied to certain roads.

Former reservations not within this act.

Minimum price of the lands not granted.

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

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

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

Certificate of governor of Minnesota.

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

Lands granted, when not to be subject to preemption, &c.

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

Right of way over public lands.

Width.

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

Lands to be used only for purposes of roads.

Road to be public highway.

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

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

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

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

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

Certain railroads hereafter constructed may connect with this.

This railroad may connect with those.

APPROVED, May 5, 1864.

May 5, 1864.

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

Land granted to Wisconsin for certain railroads; from Saint Croix river or lake to Lake Superior.

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

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

Reserved or preëmpted lands.

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

Road from Tomah to Saint Croix river.

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

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

Reserved or preëmpted lands.

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

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

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

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

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

Reserved and preëmpted lands.

Limit and location of lands.

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

Minimum price of remaining lands.

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

Time for completion of former roads extended.

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

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

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

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

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

Certificate of the governor of Wisconsin.

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

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

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

Roads, when to be completed. If not, lands unsold to revert to the United States.

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

Approved, May 5, 1864.

May 5, 1864.

1820, ch. 104, § 8.

Vol. iii. p. 587.

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

Section eight of former act amended.

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

1865, ch. 48. *Post*, p. 434.

Taxes for local improvements, streets, sewerage, drainage.

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

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

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

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

APPROVED, May 5, 1864.

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

May 5, 1864.

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

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

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

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

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

When this act takes effect.

APPROVED, May 5, 1864.

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

May 6, 1864.

[Amended, 1865, ch. 70. *Post*, p. 444.]

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

Ships and vessels of the United States, how to be measured and registered.

Proviso.

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

Register to express what.

shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the

Tonnage-deck. following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases

Vessel's length, the upper deck of the hull is to be the tonnage-deck. The length from the forepart of the outer planking, on the side of the stem, to the afterpart of the main sternpost of screw steamers, and to the afterpart of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be

breadth of beam, accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A

depth of hold, measure from the under side of tonnage-deck plank, amidships, to the ceiling of the hold (average thickness) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the

height under spar-deck. tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken

Measurements, in what taken, and how expressed. in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

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

Table of classes of vessels.

TABLE OF CLASSES.

Class first, Class 1. — Vessels of which the tonnage length according to the above measurement is fifty feet or under, into six equal parts.

second, Class 2. — Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet long, into eight equal parts.

third, Class 3. — Vessels of which the tonnage length according to the above measurement is above one hundred feet long, and not exceeding one hundred and fifty feet long, into ten equal parts.

fourth, Class 4. — Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet long, into twelve equal parts.

fifth, Class 5. — Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet long, into fourteen equal parts.

sixth. Class 6. — Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet long, into sixteen equal parts.

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

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

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

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

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

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

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

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

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

Register tonnage.

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

Tonnage of open vessels.

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

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

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

Tonnage to be marked on main beam.

Charges for measurement, and for certifying the same.

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

Provisions of this act not to apply to certain vessels.

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

APPROVED, May 6, 1864.

May 12, 1864.

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

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

for the McGregor Western railroad.

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

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

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

Limit of location.

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

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

Minimum price of lands not granted.

When subject to sale at private entry.

Proviso.

Actual preëmption settlers, and those under the homestead law.

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

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

Roads to be public highways.

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

Lands, how to be disposed of.

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

McGregor Western Railroad to complete twenty miles of its road annually.

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

Lands to revert to state unless roads are completed within ten years, &c.

Not to be encumbered, except, &c.

Secretary of Interior to withdraw lands, when, &c.

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

Mails to be transported.

Pay, how determined.

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

Grant to Minnesota for road from St. Paul to southern line of state.

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

Conditions of grant.

1857, ch. 99. Vol. xi. p. 195.

Lands may be selected, where.

Approved, May 12, 1864.

May 12, 1864.

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

Convicts in courts of the United States, how to be disposed of.

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

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

in the District of Columbia.

Proviso.

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

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

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

Actual reasonable costs of subsisting prisoners to be paid.

Rules, &c., therefor.

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

Execution in capital cases.

Construction of this and of former act.

1864, ch. 16. *Ante*, p. 12.

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

Office of warden of penitentiary in District of Columbia suspended.

APPROVED, May 12, 1864.

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

May 16, 1864.

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

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

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

Power of naval courts-martial.

APPROVED, May 16, 1864.

May 17, 1864.

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

1865, ch. 89, § 11. *Post*, p. 506.

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

Money-order offices established at designated post-offices.

Orders for money may be issued.

Notice to drawee.

Amount of order and fees to be first deposited.

Penalty.

Order to be written on a prepared blank form.

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

Applications, to be filed and preserved.

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

Fees for orders.

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

Orders may be changed, when, &c.

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

Amount when repaid.

Order to be presented for payment in ninety days.

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

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

Duplicate order to issue in case of loss.

Oath.

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

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

Proof of genuineness of endorsement.

Proviso.

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

Compensation to postmasters for issuing money-orders.

Proviso.

1825, ch. 64, § 41.

Vol. iv. p. 113.

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

Postmasters to give new bonds.

Payments and transfers.

Postmasters to account for transfers and payments.

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

Transfers to pay money-orders.

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

Auditor to audit and settle accounts of postmasters.

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

Accounts of money-order offices to be kept separate.

Dues to the United States to be collected.

Moneys received to be deemed moneys of the United States.

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

What shall be deemed embezzlement thereof; penalty therefor.

Evidence of embezzlement.

Certified transcript to be evidence of receipt of money.

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

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

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

Penalty for altering,

for knowingly uttering.

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

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

Salary.

Appropriation.

Additional clerks.

Appropriation.

APPROVED, May 17, 1864.

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

May 17, 1864.

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

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

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

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

Substitute therefor.

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

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

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

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

Approved, May 17, 1864.

May 20, 1864.

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

Regiment of veteran volunteer engineers may be enlisted and organized.

1865, ch. 79, § 7. *Post*, p. 488.

1861, ch. 42, § 4. Vol. xii. p. 287.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to enlist, out of any volunteer forces in the army of the Cumberland, that have served, or are now serving, as pioneers, pontoniers, or engineers, to serve wherever required for three years, or during the war, to consist of ten companies, and to have the same organization, pay, and emoluments as are allowed to engineer soldiers under the provisions of the fourth section of an act entitled "An act providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one.

Officers, appointment, commissions, pay, and allowances.

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

Approved, May 20, 1864.

May 21, 1864.

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

Navy appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty-five:—

Pay.

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

Repair, &c. of vessels.

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

Completion of steam screw sloops.

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

Vessels for western waters; for naval and blockading purposes.

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

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

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

Bounty.

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

Armored plated vessels.

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

Hemp and fuel.

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

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

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

Equipment.

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

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

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

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

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

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

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

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

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

Clothing. For clothing for the navy, five hundred thousand dollars.

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

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

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

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

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

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

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

Bureau of provisions and clothing,

Bureau of Provisions and Clothing. — For contingent expenses, viz: For candles, freight to foreign stations, transportation from station to station within the United States, cooperage, pay of assistants to inspectors, advertising for proposals, printing paymasters' blanks, and stationery for cruising vessels, five hundred thousand dollars.

of medicine and surgery,

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

of steam engineering.

Bureau of Steam Engineering. — For contingent expenses, viz: For transportation of materials, printing, stationery, advertising, books, drawings, models, postages, and incidental expenses, twenty-five thousand dollars.

Marine corps.

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

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

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

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

For military stores, viz: Pay of mechanics, repairs of arms, purchase of accoutrements, ordnance stores, flags, drums, fifes, and other instruments, fifteen thousand dollars.

For transportation of officers, their servants, troops, and expenses of recruiting, twenty-two thousand dollars.

For repairs of barracks, and rent of offices where there are no public buildings, eight thousand dollars.

For contingencies, viz: freight; ferriage; toll; cartage; wharfage; purchase and repair of boats; compensation to judge-advocates; per diem for attending courts-martial, courts of inquiry, and for constant labor; house rent in lieu of quarters; burial of deceased marines; printing, stationery, postage, telegraphing; apprehension of deserters; oil, candles, gas; repairs of gas and water fixtures; water rent, forage, straw, barrack furniture; furniture for officers' quarters in the barracks; bed sacks, wrapping-paper, oil-cloth, crash, rope, twine, spades, shovels, axes, picks, carpenters' tools; keep of a horse for the messenger; pay of matron, washerwoman, and porter at the hospital head-quarters; repairs to fire-engine; purchase and repair of engine hose; purchase of lumber for benches, mess-tables, and bunks; repairs to public carryall; purchase and repair of harness; purchase and repair of handcarts and wheelbarrows; scavengering; purchase and repair of galleys, cooking-stoves, ranges; stoves where there are no grates; gravel for parade grounds; repair of pumps; furniture for staff and commanding officers' offices; brushes, brooms, buckets, paving, and for other purposes, forty-five thousand dollars.

For widening and improving the marine barracks, and officers' quarters at the navy yard, Portsmouth, New Hampshire, twenty-two thousand dollars.

For building marine barracks, at navy yard, Mare Island, California, thirty-nine thousand fifty-eight dollars and forty-four cents.

Navy yards.

NAVY YARDS.

Portsmouth.

Portsmouth, New Hampshire. — For plumbers, coppersmiths, and tinshops, quay-walls, mooring-piers, iron store, extension of ship-house, machinery and tools, repairs on floating dock, barracks and guard-house, on Seavey's Island, and for repairs of all kinds, one hundred and fifty-one thousand nine hundred and thirty-five dollars.

Boston. — For additional amount for joiners' shop, additional amount for coal-house, extension of shear wharf, railroad tracks, and repairs of all kinds, one hundred and eighty-four thousand five hundred dollars. Navy Yards. Boston.

New York. — For dredging channels; quay-wall at saw-mills; new foundery; improvements on cob dock; improvements to dry dock; machine-shop extension; improvements of dry dock; quay-wall at new derrick; iron-plating shop; receiving store; iron fence in front of officers' houses; repairs of all kinds; machinery for iron-clad building; machinery for pattern, boiler, and machine-shop; machinery for new foundery; machinery for machine-shop extension; machinery for smithery, joiner, and oakum shops; one six-ton, one four-ton, and one two-ton hammer, six hundred and sixty-nine thousand three hundred and fifteen dollars. New York.

Philadelphia. — For repairs of dry dock, pitch-house, dredging; repairs of damage to store by fire, and for repairs of all kinds — and for the purchase of two lots adjoining navy yard, Philadelphia, extending from Front Street to the commissioners' line in the Delaware river, at a price not exceeding ninety thousand dollars — two hundred and fourteen thousand nine hundred and forty-five dollars. Philadelphia.

Washington, District of Columbia. — For extension of copper rolling-mill; machinery and tools; storehouse for provisions and clothing; dredging channels; repairs of all kinds, and rail tracks in yard, one hundred and forty-nine thousand four hundred and sixty-five dollars. Washington.

Norfolk. — For repairs of victualling-house, boat-shed, blacksmith-shop, and tools; wharves, foundery, officers' quarters, boiler-shop, repairs of dry dock, engine-house, mast-house, and sail-loft; saw-mill and machinery; offices and storehouse and repairs of all kinds, two hundred and twenty-three thousand four hundred and thirty-three dollars. Norfolk.

Pensacola. — For repairs of all kinds, fifty thousand dollars. Pensacola.

For machinery and materials for the repair of vessels at Pensacola, Ship Island, and New Orleans, one hundred thousand dollars.

Mare Island. — For continuation of grading and paving, ten thousand dollars; scows, lighter, and stages; foundery and machinery for same; machinery for saw-mill; continuing coal-shed and wharf; continuing sea-wall; steam hammer and tools for smithery; rigging and sail-loft; repairs of all kinds; excess of expenditure on wharf; guard-house; machinery for machine-shop, and gas-works, two hundred and twenty-four thousand five hundred and ninety-five dollars. Mare Island.

HOSPITALS. Hospitals.

Boston. — For remodelling old section of the hospital; heating and cooking and laundry apparatus; brick wall and iron gateways on Broadway; and repairs of building and improvement of grounds, seventeen thousand five hundred dollars. Boston.

New York. — For repairs and improvements of buildings and grounds, increase of apparatus in the laboratory, and repairs to heating-apparatus, nine thousand dollars. New York.

Norfolk. — For general improvement and repairs of building, ground, and wharves, five thousand dollars. Norfolk.

Pensacola. — For completion of extension of building, thirty thousand dollars. Pensacola.

Memphis. — For improvements and repairs of hospitals, seven thousand dollars. Memphis.

New Orleans. — For improvements and repairs of hospital, five thousand dollars. New Orleans.

Mare Island, California. — For completion of hospital, seventy-five thousand dollars. Mare Island.

MAGAZINES. Magazines.

Portsmouth. — For howitzer and gun-equipment shed; machinery for Portsmouth.

Hospitals. ordnance building, and for fitting and furnishing new wing of ordnance building; grading grounds for repairs of ordnance buildings and railways, twenty thousand and fifty dollars.

Boston. *Boston.* — For repairs of magazine and shell-houses at Chelsea, and powder-boat; repairs of ordnance store, shell-houses, and gun and shot parks; tools for gun-carriage shop; and for completing ordnance store, sixty-three thousand four hundred and thirty-nine dollars.

New York. *New York.* — For machinery for repairing small arms; repairs to wharves and track on Ellis' island; sea-wall on north side of Ellis' island; repairs on magazine at Ellis' island; dredging at Ellis' island; and for repairs of all kinds, forty-two thousand dollars.

Philadelphia. *Philadelphia.* — For repairs and alterations of ordnance storehouse and office; machinery and tools in ordnance workshops; and for magazine, wharf-buildings, and grounds, eight thousand one hundred and sixty-three dollars.

Washington. *Washington.* — For repairs and improvements of the magazine, ordnance buildings, and grounds of the ordnance yard; erecting temporary sheds; additional ordnance machinery; and for continuing the new ordnance foundery, sixty-nine thousand dollars.

Mare Island. *Mare Island, California.* — For two small magazines at north end of the yard; enlargement of shell-house; preparing gun park; building skids and shot beds; machinery and tools for ordnance shop; and for repairs on magazine buildings and pile wharf, twenty-nine thousand three hundred and sixty-eight dollars.

Miscellaneous.

MISCELLANEOUS.

Civil establishments at Navy Yards. For pay of superintendents, naval constructors, and all the civil establishments of the several navy yards and stations, one hundred and twenty-five thousand six hundred and eighty-eight dollars; and the annual salary

Salary of constructing engineer at Mare Island. of the constructing engineer at Mare Island, California, shall be three thousand two hundred dollars, after the close of the present fiscal year.

Naval Academy. For expenses of professors, watchmen, and others, and contingencies of the United States Naval Academy, one hundred and one thousand eight

Proviso. hundred and thirty-one dollars and fifty-five cents: *Provided*, That no money appropriated for the support of the naval academy shall be applied to the support of any midshipmen hereafter appointed not in strict conformance with the provisions of the law for appointing midshipmen to the naval academy.

Key West. For constructing coal-wharf at Key West, Florida, thirty-two thousand dollars.

For altering coal-depot to storehouse at Key West, Florida, eighteen thousand dollars.

For constructing railroad from naval wharf to coal-yards at Key West, Florida, ten thousand dollars.

For the pay of mileage of visitors to the naval academy, two thousand dollars.

Naval observatory.

NAVAL OBSERVATORY.

For pay of assistant astronomer, three aids, and clerk, eight thousand dollars, and four thousand dollars thereof shall be equally divided among the three aids as their salary.

For wages of instrument maker, watchman, porter, and laborers; keeping grounds in order, and repairs to buildings and enclosures; fuel, lights, office furniture, and stationery; and for freight, transportation, postage, and incidental expenses, twelve thousand dollars.

Nautical Almanac. For preparing for publication the American Nautical Almanac, twenty-five thousand eight hundred and fifty dollars.

NAVAL ASYLUM, PHILADELPHIA. Naval asylum.

For furniture and repairs of same; house-cleaning and whitewashing; repairs to furnaces, grates, and ranges; gas and water rent; for hospital, and repairs of all kinds, five thousand two hundred dollars.

For the purchase and preparation of a site for a cemetery for the navy and marine corps, near Philadelphia, fifteen thousand dollars. Cemetery.

For support of beneficiaries, thirty-two thousand dollars. Beneficiaries.

For gratuities and medals of honor, five thousand dollars. Gratuities and medals.

For bounties for destruction of enemies' vessels, as per "act of July seventeen, eighteen hundred and sixty-two, for the better government of the navy," two hundred and fifty thousand dollars. Destruction of vessels. 1862, ch. 204, § 4. Vol. xii. p. 606.

For pay of photographer, for ordnance bureau, three hundred dollars.

For compensation of petty officers, seamen, and others of the crew of the United States steamer Monitor, lost at sea December thirty, eighteen hundred and sixty-two, three thousand dollars. Pay of officers, &c., of the Monitor;

For compensation of petty officers, seamen, and others of the crew of the United States steamer Cairo, lost in Yazoo river December twelve, eighteen hundred and sixty-two, eight thousand two hundred and fifty dollars. the Cairo.

SEC. 2. *And be it further enacted*, That, out of the appropriation of seven hundred and fifty thousand dollars for a floating dry dock at navy yard, New York, provided for by the act making appropriations for the naval service of the United States, approved third March, eighteen hundred and sixty-three, the Secretary of the Navy be, and he is hereby, authorized to construct one or two dry docks, as he may deem expedient, at New York and Philadelphia, at two hundred and sixty thousand dollars each, and to expend the balance of said appropriation, if it shall be necessary, to enlarge the sectional docks to a capacity to receive the large vessels now building. Two dry docks authorized. Application of former appropriation. 1863, ch. 118, Vol. xii. p. 817.

SEC. 3. *And be it further enacted*, That there shall be added three professors to the number of professors of mathematics now authorized by law, who shall be appointed and commissioned as now provided by law, and who shall be a professor of ethics and English studies, a professor of Spanish, and a professor of drawing, at the naval academy. Additional professors at the naval academy.

SEC. 4. *And be it further enacted*, That the United States naval academy shall be returned to and established at the naval academy grounds in Annapolis, in the state of Maryland, before the commencement of the academic year eighteen hundred and sixty-five. Naval academy to be returned to Annapolis.

APPROVED, May 21, 1864.

CHAP. XCIV.—*An Act to amend an Act entitled "An Act to enable the People of Nevada to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States.* May 21, 1864.

1864, ch. 36, § 5. *Ante*, p. 31.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fifth section of the act to which this act is an amendment as provides by ordnance for submitting the Constitution to the people of said state, for their ratification or rejection, at an election to be held on the second Tuesday of October, be so amended as to read "on the first Wednesday of September," and that the election for the purposes aforesaid be held on that day instead of the second Tuesday of October. Constitution of Nevada to be submitted to popular vote on the first Wednesday of September.

APPROVED, May 21, 1864.

CHAP. XCV.—*An Act to provide a temporary Government for the Territory of Montana.* May 26, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of

Territory of Montana established.

Boundaries.

the territory of the United States included within the limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west on said forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of longitude to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west along said forty-fourth degree and thirty minutes of north latitude to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward along the crest of said Bitter Root Mountains to its intersection with the thirty-ninth degree of longitude west from Washington; thence along said thirty-ninth degree of longitude northward to the boundary line of the British possessions; thence eastward along said boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along said twenty-seventh degree of longitude to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Montana: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory or changing its boundaries in such manner and at such time as congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Montana, until said tribe shall signify their assent to the President of the United States to be included within said territory, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the government to make if this act had never passed.

Territory may be divided, boundaries changed, &c.

Rights of Indians preserved.

Executive.

Governor, term of office, power, &c.;

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Montana shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said territory, and shall be commander-in-chief of the militia and superintendent of Indian affairs thereof. He may grant pardons and respites for offences against the laws of said territory, and reprieve for offences against the laws of the United States until the decision of the President of the United States can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

to be superintendent of Indian affairs.

Secretary, residence, powers, and duties.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said territory, who shall reside therein and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each

year, to the President of the United States, and two copies of the laws to the president of the senate and to the speaker of the house of representatives, for the use of congress. And in case of the death, removal, resignation, or absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

Secretary, when to act as governor.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of seven members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for the members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the territory representation in the ratio of its qualified voters as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district or county or counties for which they may be elected respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the territory to be taken by such persons and in such mode as the governor shall designate and appoint, and the person so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts, respectively, for members of the council, shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives in each of said representative districts, respectively, shall be declared by the governor to be duly elected members of said house: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election. And the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Legislative power.

Assembly.

Council, number and qualification of members, and term, &c.

House of representatives, number, term, &c.

Apportionment.

Residence of members.

First census.

First election.

Plurality of votes to elect.

New election, when ordered.

First meeting of legislative assembly.

Subsequent meetings.

Length of sessions.

SEC. 5. *And be it further enacted*, That all citizens of the United States, and those who have declared their intentions to become such, and who are otherwise described and qualified under the fifth section of the act of congress providing for a temporary government for the territory of Idaho, approved March third, eighteen hundred and sixty-three, shall

Voters at first election.

1863, ch. 117, § 5. Vol. xii, p. 810.

be entitled to vote at said first election, and shall be eligible to any office within the said territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly.

Voters at subsequent election.

Extent and limits of legislative power.

SEC. 6. *And be it further enacted*, That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said territory shall, before it becomes a law, be presented to the governor of the territory. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return; in which case it shall not be a law: *Provided*, That whereas slavery is prohibited in said territory by act of congress of June nineteenth, eighteen hundred and sixty-two, nothing herein contained shall be construed to authorize or permit its existence therein.

Veto power.

Slavery not permitted. 1862, ch. 111. Vol. xii. p. 432.

Township, district, and county officers.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Montana. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

Members of assembly not to hold certain offices.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly. And no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

Who not to be members of assembly or office-holders in the territory.

Judicial power.

Supreme court.

SEC. 9. *And be it further enacted*, That the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified.

District courts.

The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in

the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exceptions, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law. The supreme court, or the justices thereof, shall appoint its own clerk; and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witnesses, shall exceed one thousand dollars, except that a writ of error or appeal shall be allowed to the supreme court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writs of habeas corpus involving the question of personal freedom. And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said territory the same as in other cases. The said clerks shall receive, in all such cases, the same fees which the clerks of the district courts of Washington Territory now receive for similar services.

Jurisdiction.

Probate courts, and justice of the peace.

Chancery powers.

Clerks of district court.

Writs of error, exceptions, &c.

Clerks of supreme court.

Writs of error, &c, to supreme court of the United States.

Habeas corpus.

Jurisdiction.

Fees of clerks.

SEC. 10. *And be it further enacted*, That there shall be appointed an attorney for said territory, who shall continue in office four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Washington. There shall also be a marshal for the territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Washington, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services. There shall also be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor-general for said territory, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk-hire, office-rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give.

Attorney;

fees and salary.

Marshal;

fees and salary.

Surveyor-general;

compensation and allowances.

Certain officers to be appointed by the President.

SEC. 11. *And be it further enacted*, That the governor, secretary, chief justice, and associate justices, attorney, and marshal shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

Oath of governor and secretary;

The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation before the district judge, or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices,

of judges and civil officers.

and all civil officers in said territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the territory who may be duly commissioned and qualified, or before the chief justice or some associate justice of the supreme court of the United States, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. And any person who has heretofore been appointed chief justice or associate justice of the Territory of

Oath of judges in Idaho.

Idaho, who has not yet taken the oath of office, as prescribed by the act organizing said territory, may take said oath or affirmation before the chief justice or some associate justice of the supreme court of the United States. The governor shall receive an annual salary of two thousand five hundred dollars; the chief justice and associate justices shall receive an

Salaries.

annual salary of two thousand five hundred dollars; the secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly from the dates of the respective appointments at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled

Pay of members of legislative assembly.

to receive four dollars each per day during their attendance at the sessions thereof, and four dollars each for every twenty miles' travel in going to and returning from said sessions, estimated according to the nearest usually travelled route; and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he

Chief clerk and other officers of each house of the assembly.

shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, a sergeant-at-arms, and doorkeeper may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day during the session of the legislative assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the

Assembly to have but one session, unless, &c.

legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together. There shall be appropriated annually the usual sum, to be expended by the governor, to defray the contingent expenses of the territory, including the salary of the clerk of the executive department. And there shall

Annual appropriations to be made.

also be appropriated annually a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses. And the governor and secretary of the territory shall, in the

Disbursements of moneys.

disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said secretary for the manner in which

the aforesaid moneys shall have been expended; and no expenditure shall be made by said legislative assembly for objects not specially authorized by the acts of congress making the appropriations, nor beyond the sums thus appropriated for such objects. Expenditures by the legislative assembly.

SEC. 12. *And be it further enacted*, That the legislative assembly of the Territory of Montana shall hold its first session at such time and place in said territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible: *Provided*, That the seat of government fixed by the governor and legislative assembly shall not be at any time changed except by an act of the said assembly duly passed, and which shall be approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question. First session of assembly. Seat of government.

SEC. 13. *And be it further enacted*, That a delegate to the house of representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives; but the delegate first elected shall hold his seat only during the term of the congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections the time and places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. That the constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Montana as elsewhere within the United States. Delegate in congress. Plurality of votes to elect. Constitution and laws of the United States to be in force.

SEC. 14. *And be it further enacted*, That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same. School lands.

SEC. 15. *And be it further enacted*, That, until otherwise provided by law, the governor of said territory may define the judicial districts of said territory, and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient. Judicial districts.

SEC. 16. *And be it further enacted*, That all officers to be appointed by the President of the United States, by and with the advice and consent of the Senate, for the Territory of Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe. Disbursing officers to give security.

SEC. 17. *And be it further enacted*, That all treaties, laws, and other engagements made by the government of the United States with the Indian tribes inhabiting the territory embraced within the provisions of this act, shall be faithfully and rigidly observed, anything contained in this Treaties with Indians to be observed.

Agencies and superintendencies to be continued.

act to the contrary notwithstanding; and that the existing agencies and superintendencies of said Indians be continued, with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of said agencies or superintendents.

Portion of Territory of Idaho made part of Dakota.

SEC. 18. *And be it further enacted*, That, until congress shall otherwise direct, all that part of the Territory of Idaho included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-third degree of longitude west from Washington with the forty-first degree of north latitude; thence along said thirty-third degree of longitude to the crest of the Rocky Mountains; thence northward along the said crest of the Rocky Mountains to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence eastward along said forty-fourth degree thirty minutes north latitude to the thirty-fourth degree of longitude west from Washington; thence northward along said thirty-fourth degree of longitude to its intersection with the forty-fifth degree north latitude; thence eastward along said forty-fifth degree of north latitude to its intersection with the twenty-seventh degree of longitude west from Washington; thence south along said twenty-seventh degree of longitude west from Washington to the forty-first degree north latitude; thence west along said forty-first degree of latitude to the place of beginning, shall be, and is hereby, incorporated temporarily into and made part of the Territory of Dakota.

APPROVED, May 26, 1864.

May 26, 1864.

CHAP. XCVI.—*An Act for the Classification of the Clerks to Paymasters in the Navy, and graduating their Pay.*

Pay of clerks to paymasters in the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual pay of clerks to paymasters in the navy shall be as follows, namely:—

Clerks to paymasters at the Boston, New York, Washington, and Philadelphia stations, twelve hundred dollars.

At other stations, one thousand dollars.

Clerks to inspectors in charge of provisions and clothing at Boston, New York, and Philadelphia, twelve hundred dollars.

At other inspections, one thousand dollars.

Clerks to paymasters in receiving-ships at Boston and New York, twelve hundred dollars.

In other receiving-ships, and in vessels of the first rate, and at the naval academy, one thousand dollars.

Clerks to fleet-paymasters and to paymasters of vessels of the second rate, eight hundred dollars.

Clerks to paymasters of vessels of the third rate, having complements of more than one hundred and seventy-five persons, and to paymasters of supply-steamers and store-vessels, seven hundred dollars: *Provided*, That no paymaster or assistant paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels: *And provided, further*, That nothing in this act shall be construed to alter the pay now allowed by law to the paymaster's clerk at Mare Island.

Clerks not allowed to certain paymasters.

APPROVED, May 26, 1864.

May 28, 1864.

1863, ch. 37. Vol. xii. p. 652.

CHAP. XCVII.—*An Act making Appropriations for the Payment of the Awards made by the Commissioners appointed under and by virtue of an Act of Congress entitled "An Act for the Relief of Persons for Damages sustained by Reason of the Depredations and Injuries by certain Bands of Sioux Indians." Approved, February sixteenth, eighteen hundred and sixty three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine hundred

and twenty-eight thousand four hundred and eleven dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the payment of the several amounts awarded by the commission appointed under and by virtue of an act of congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February sixteen, eighteen hundred and sixty-three, to the several persons, firms, estates, and corporations, respectively, to whom such amounts were awarded by said commissioners, except the following persons, estates, and firms to whom awards were made as aforesaid, to wit: Antoine Roberts, J. C. Toberer, Gilbault and Company, W. L. Sumner, G. L. Mendelsohn, D. C. Marvin, Joseph Popp, B. Heinbach, W. W. Pendergast, Louis Theobald, J. and C. M. Dailey, B. H. Randall, Louis Robert, W. H. Forbes, estate of S. B. Garvie, deceased, A. Vajen and Brother, T. I. Pierce, estate of Francis Labathe, deceased, S. A. Hooper, estate of James C. Dickenson, deceased, Henry Apple, Theodore Crone, Charles Jacobs, F. Immel, H. C. Cooper, H. D. Cunningham, Joseph Descoteau, and Henry Behnke, which last claim is numbered 366 on the books of said commissioners.

Appropriations to pay awards of damages done by the Sioux Indians.

SEC. 2. *And be it further enacted*, That for the payment of so much of said awards made by said commissioners to the persons, firms, and estates specifically named in the first section of this act, as the Secretary of the Interior shall upon examination find to be due to them respectively, under said act approved February sixteen, anno Domini, eighteen hundred and sixty-three, the further sum of two hundred and forty-one thousand nine hundred and sixty-three dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated. And the Secretary of the Interior is hereby authorized and directed to pay to the said several claimants, or to their attorneys heretofore or hereafter duly authorized, other than those claimants specifically named in the first section of this act, the several amounts as awarded by said commissioners, and also to pay the several sums he may find due, not exceeding the amounts respectively awarded by said commissioners to the said persons, firms, and estates so specifically named.

Appropriation to pay awards to persons, &c., specially named.

Secretary of Interior to pay claimants or their attorneys.

APPROVED, May 28, 1864.

CHAP. XCVIII. — *An Act authorizing the Establishment of Ocean Mail Steamship Service between the United States and Brazil.*

May 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to unite with the general post-office department of the empire of Brazil, or such officer of the government of Brazil as shall be authorized to act for that government, in establishing direct mail communication between the two countries by means of a monthly line of first-class American sea-going steamships, to be of not less than two thousand tons burden each, and of sufficient number to perform twelve round trips or voyages per annum between a port of the United States, north of the Potomac river, and Rio de Janeiro, in Brazil, touching at Saint Thomas, in the West Indies, at Bahia, Pernambuco, and such other Brazilian and intermediate port or ports as shall be considered necessary and expedient: *Provided*, That the expense of the service shall be divided between the two governments; and that the United States portion thereof shall not exceed the sum of one hundred and fifty thousand dollars for the performance of twelve round trips per annum, to be paid out of any money appropriated for the service of the post-office department.

Monthly mail communication between Brazil and the United States, by first-class sea-going steamships.

Route of voyage.

Expenses to be divided; share of the United States not to exceed, &c.

SEC. 2. *And be it further enacted*, That the Postmaster-General be, and he is hereby, authorized to invite proposals for said mail steamship

Postmaster to invite proposals, and contract

with lowest responsible bidder.

service by public advertisement for the period of sixty days in one or more newspapers published in the cities of Washington, Baltimore, Philadelphia, New York, and Boston, respectively, and to contract with the lowest responsible bidder for the same for a term of ten years, to commence from the day the first steamship of the proposed line shall depart from the United States with the mails for Brazil: *Provided*, That proposals for monthly trips — that is to say, for twelve round voyages per annum, out and back — are received and accepted by him within the limit as aforesaid, from a party or parties of undoubted responsibility, possessing ample ability to furnish the steamships required for the service, and offering good and sufficient sureties for the faithful performance of such contract: *And provided, further*, That such proposals shall be accepted by the government of Brazil, and that distinct and separate contracts with each government, containing similar provisions, shall be executed by such accepted bidder or bidders; each government to be responsible only for its proportion of the subsidy to be paid for the service.

Proviso.

Proposals to be accepted by Brazil, &c.

Contract to go into effect before Sept. 1, 1865.

Stipulations of contract.

SEC. 3. *And be it further enacted*, That any contract which the Postmaster-General may execute under the authority of this act shall go into effect on or before the first day of September, one thousand eight hundred and sixty-five; and shall, in addition to the usual stipulations of ocean mail steamship contracts, provide that the steamships offered for the service shall be constructed of the best materials and after the most approved model, with all the modern improvements adapted for sea-going steamships of the first class; and shall, before their approval and acceptance by the Postmaster-General, be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster-General; that the two governments shall be entitled to have transported, free of expense, on each and every steamer, a mail-agent to take charge of and arrange the mail matter, to whom suitable accommodations for that purpose shall be assigned; that in case of failure from any cause to perform any of the regular monthly voyages stipulated for in the contract, a pro rata deduction shall be made from the compensation, on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the regular performance of the service according to contract; and that the Postmaster-General shall have the power to determine the contract at any time, in case of its being underlet or assigned to any other party.

These steamships to be exempt from certain port-charges, &c., if, &c.

SEC. 4. *And be it further enacted*, That the mail steamships employed in the service authorized by this act shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States: *Provided*, That a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

APPROVED, May 28, 1864.

May 28, 1864.

CHAP. XCIX. — *An Act for the Relief of the Citizens of Denver, in the Territory of Colorado.*

Certain lands in Denver may be entered, for the use of the town, at the minimum price.

1844, ch. 17, Vol. v. p. 657.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act of congress entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, be so extended as to authorize the probate judge of Arapahoe county, in the territory of Colorado, to enter, at the minimum price, in trust for the several use and benefit of the rightful occupants of said land and the bona fide owners of the improvements thereon, according to their respective interests, the following legal subdivisions of land, or such portions thereof as are settled and actually occupied for town purposes by the town of Denver aforesaid,

to wit: Section number thirty-three, and the west half of section number thirty-four, in township number three south of range number sixty-eight west of the sixth principal meridian: *Provided, however*, That there shall be reserved from such sale and entry such blocks or lots in the town of Denver as may be necessary for government purposes, to be designated by the commissioner of the general land-office.

Lots for government purposes to be reserved.

SEC. 2. *And be it further enacted*, That in all respects, except as herein modified, the execution of the foregoing provisions shall be controlled by the provisions of said act of twenty-third May, eighteen hundred and forty-four, and the rules and regulations of the commissioner of the general land-office.

Provisions of act of 1844, ch. 17, &c., otherwise to apply.

APPROVED, May 28, 1864.

CHAP. CI. — *An Act to provide for the Payment of the Claims of Peruvian Citizens, under the Convention between the United States and Peru, of the twelfth of January, eighteen hundred and sixty-three.*

June 1, 1864.

1864, ch. 138. *Post*, p. 141.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of discharging the obligations of the United States, under the convention with Peru, of the twelfth of January last, there be paid to Stephen G. Montano, or to his legal representatives, in the current money of the United States, the sum of forty-one thousand seven hundred and eighty-two dollars and thirty-eight cents; and to Juan del Carmen Vergel, or his legal representatives, the sum of one thousand one hundred and seventy dollars, in the silver money of the United States, or its equivalent, out of any money in the treasury not otherwise appropriated.

Payments to Stephen G. Montano and Juan del Carmen Vergel.

APPROVED, June 1, 1864.

CHAP. CII. — *An Act in Relation to Franked Matter.*

June 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all communications relating to the official business of the department to which they are addressed, of whatever origin, addressed to the chiefs of the several executive departments of the government, or to such principal officers of each executive department, being heads of bureaus or chief clerks, or one duly authorized by the Postmaster-General to frank official matter, shall be received and conveyed by mail free of postage without being endorsed "official business," or with the name of the writer.

Official communications to heads of departments, &c., to be sent free of postage without endorsement.

APPROVED, June 1, 1864.

CHAP. CIII. — *An Act to amend an Act entitled "An Act making a Grant of Land[s] to the State of Iowa, in alternate Sections, to aid in the Construction of certain Railroads in said State," approved May fifteen, eighteen hundred and fifty-six.*

June 2, 1864.

1856. ch. 28. Vol. x. p. 9.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mississippi and Missouri Railroad Company, a corporation established by the laws of the State of Iowa, and to which the said state granted a portion of the land-grant mentioned in the title of this act, to aid in the construction of a railroad from Davenport to Council Bluffs in said state, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious line for connection with the Iowa branch of the Union Pacific Railroad: *Provided, nevertheless*, That said new line, if located, shall in every case pass through the corporate limits of the cities of Des Moines and Council Bluffs; and the right of way over the public lands of the United States is hereby granted to said railroad company for that purpose: *Provided*, That said line shall pass through the town of Newton, in Jasper County or as near

The Mississippi and Missouri Railroad Company may change location of part of line.

New line to go through Des Moines and Council Bluffs; and Newton, if, &c.

said town as may be found practicable, and not further north of said town than the north line of section twenty-two, township eighty north, of range nineteen, according to the United States surveys, if the citizens of the county of Jasper shall first pay to said company the difference in cost, if any, between the line proposed by the company and the one contemplated by this proviso, including extra cost of right of way, if any, said difference in cost to be estimated by competent engineers to be selected by the parties.

Company to file map showing location.

SEC. 2. *And be it further enacted*, That whenever such new location shall have been established, the said railroad company shall file in the general land-office at Washington a map, definitely showing such new location; and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a preëmption claim or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of such newly located line, an amount of land per mile equal to that originally authorized to be granted to aid in the construction of said road by the act to which this is an amendment; and if the amount of land granted by the original act to aid in the construction of said railroad shall not be found within the limit of six miles from such line, then such selections may be made along such line within twenty miles thereof: *Provided*, That the said company shall not be entitled to, and shall not receive, any land under this grant which is situate within fifteen miles of the line of the Burlington and Missouri River Railroad, as indicated by the map of said road, now on file in the general land-office.

Secretary of Interior to certify and convey lands to company.

Limits of selections.

Proviso.

The Burlington and Missouri River R. R. Co. to receive lands.

SEC. 3. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under the laws of the State of Iowa, and to which said state granted a portion of the land-grant mentioned in the title of this act to aid in the construction of a railroad from Burlington in said state to the Missouri River, shall be entitled to receive, and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a preëmption claim or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of said road, as now located, an amount of land per mile equal to that mentioned in the act to which this act is an amendment, as intended to aid in the construction of said road; and if the amount of land granted by the original act to aid in the construction of said road shall not be found within the limit of six miles from the line of said road, then such selections may be made along such line within twenty miles thereof.

Limits of selections.

The Cedar Rapids and Missouri River R. R. Co. may change its location and have lands thereon.

SEC. 4. *And be it further enacted*, That the Cedar Rapids and Missouri River Railroad Company, a corporation established under the laws of the State of Iowa, and to which the said state granted a portion of the land mentioned in the title to this act, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious line to the Missouri River, and to a connection with the Iowa branch of the Union Pacific Railroad; and for the purpose of facilitating the more immediate construction of a line of railroads across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company, aforesaid, the said Cedar Rapids and Missouri River Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad

Company; and the said Cedar Rapids and Missouri River Railroad Company shall be entitled for such modified line to the same lands and to the same amount of lands per mile, and for such connecting branch the same amount of land per mile, as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and, for the said purpose, right of way through the public lands of the United States is hereby granted to said company. *And it is further provided*, That whenever said modified main line shall have been established or such connecting line located, the said Cedar Rapids and Missouri River Railroad Company shall file in the general land-office of the United States a map definitely showing such modified line and such connecting branch aforesaid; and the Secretary of the Interior shall reserve and cause to be certified and conveyed to said company, from time to time, as the work progresses on the main line, out of any public lands now belonging to the United States, not sold, reserved, or otherwise disposed of, or to which a preëmption right or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within fifteen miles of the original main line, an amount of land equal to that originally authorized to be granted to aid in the construction of the said road by the act to which this is an amendment. And if the amount of lands per mile granted, or intended to be granted, by the original act to aid in the construction of said railroad shall not be found within the limits of the fifteen miles therein prescribed, then such selections may be made along said modified line and connecting branch within twenty miles thereof: *Provided, however*, That such new located or modified line shall pass through or near Boonsboro', in Boon County, and intersect the Boyer River not further south than a point at or near Dennison, in Crawford County: *And provided, further*, That in case the main line shall be so changed or modified as not to reach the Missouri River at or near the forty-second parallel north latitude, it shall be the duty of said company, within a reasonable time after the completion of its road to the Missouri River, to construct a branch road to some point in Monona County, in or at Onawa City; and to aid in the construction of such branch the same amount of lands per mile are hereby granted as for the main line, and the same shall be reserved and certified in the same manner; said lands to be selected from any of the unappropriated lands as hereinbefore described within twenty miles of said main line and branch; and said company shall file with the Secretary of the Interior a map of the location of the said branch: *And provided, further*, That the lands hereby granted to aid in the construction of the connecting branch aforesaid shall not vest in said company nor be encumbered or disposed of except in the following manner: When the governor of the State of Iowa shall certify to the Secretary of the Interior that said company has completed in good running order a section of twenty consecutive miles of the main line of said road west of Nevada, then the secretary shall convey to said company one third, and no more, of the lands granted for said connecting branch. And when said company shall complete an additional section of twenty consecutive miles, and furnish the Secretary of the Interior with proof as aforesaid, then the said secretary may convey to the said company another third of the lands granted for said connecting branch; and when said company shall complete an additional section of twenty miles, making in all sixty miles west of Nevada, the secretary, upon proof furnished as aforesaid, may convey to the said company the remainder of said lands to aid in the construction of said connecting branch: *Provided, however*, That no lands shall be conveyed to said company on account of said connecting branch road until the governor of the State of Iowa shall certify to the Secretary of the Interior that the same shall have been completed as a

Right of way granted.

Secretary of Interior to convey lands.

Limits of selections;

of location of road.

Proviso in case the main line is changed.

Map of location to be filed.

Conditions of grant.

Proviso.

first-class railroad. And no land shall be conveyed to said company situate and lying within fifteen miles of the original line of the Missis sippi and Missouri railroad, as laid down on a map on file in the general land-office: *Provided, further*, That it shall be the duty of the Secretary of the Interior, and he is hereby required, to reserve a quantity of land embraced in the grant described in this section, sufficient, in the opinion of the governor of Iowa, to secure the construction of a branch railroad from the town of Lyons, in the State of Iowa, so as to connect with the main line in or west of the town of Clinton in said state, until the governor of said state shall certify that said branch railroad is completed according to the requirements of the laws of said state: *Provided, further*, That nothing herein contained shall be so construed as to release said company from its obligation to complete the said main line within the time mentioned in the original grant: *Provided, further*, That nothing in this act shall be construed to interfere with, or in any manner, impair any rights acquired by any railroad company named in the act to which this is an amendment, or the rights of any corporation, person or persons, acquired through any such company; nor shall it be construed to impair any vested right of property, but such rights are hereby reserved and confirmed: *Provided, however*, That no lands shall be conveyed to any company or party whatsoever, under the provisions of this act and the act amended by this act, which have been settled upon and improved in good faith by a bona fide inhabitant, under color of title derived from the United States or from the State of Iowa adverse to the grant made by this act or the act to which this act is an amendment. But each of said companies may select an equal quantity of public lands as described in this act within the distance of twenty miles of the line of each of said roads in lieu of lands thus settled upon and improved by bona fide inhabitants in good faith under color of title as aforesaid.

Secretary of Interior to reserve certain lands.

Provisos.

Mississippi and Missouri R. R. Co. may assign the granted lands, if, &c.

SEC. 5. *And be it further enacted*, That the Mississippi and Missouri Railroad Company shall have the right to transfer and assign all or any part of the grant hereby made to said company to any other company, or person or persons, if, in the opinion of said company, the construction of the said railroad across the State of Iowa will be thereby sooner and more satisfactorily completed; but such assignee shall not in any case be released from the liabilities and conditions accompanying this grant, nor acquire perfect title in any other manner than the same would have been acquired by the grantee herein named: *Provided*, That said transfer and assignment shall first be authorized by the governor of the State of Iowa.

Dubuque and Sioux City R. R. Co. may change their line.

Map to be filed.

SEC. 6. *And be it further enacted*, That the Dubuque and Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of, their present land-grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act.

Conditions of former act to apply to this, except, &c.

SEC. 7. *And be it further enacted*, That all of the conditions and limitations contained in the act to which this act is an amendment, and not expressly changed by this act, shall attach to and run with the grants made by this act, except as the said conditions and limitations have been modified, and may hereafter be modified, by the general assembly of the State of Iowa.

Lands hereby granted not to be certified until, &c.

Pub. Res. No. 34.

Post, p. 573.

SEC. 8. *And be it further enacted*, That no lands hereby granted shall be certified to either of said companies until the governor of the State of Iowa shall certify to the Secretary of the Interior that the said company has completed, ready for the rolling stock, within one year from the first day of July next, a section of not less than twenty miles from the present terminus of the completed portion of said railroad, and in each year thereafter an additional section of twenty miles; but the number of sections per mile originally authorized shall be certified to each company, upon

proof as aforesaid of the completion of the additional sections of the road as aforesaid; and upon the failure of either company to complete either section as aforesaid, to be annually built, the portion of the land remaining uncertified shall become subject to the control and disposition of the legislature of the State of Iowa, to aid in the completion of such road.

Lands hereafter certified, to be offered for sale within three years, &c.

SEC. 9. *And be it further enacted*, That all lands hereafter certified to either of the land-grant railroads in said state, and lying opposite any completed section of such road, shall be offered for sale by the company to which they shall be certified within three years from the completion of such section, if then certified; and if not, then within three years from the date of such certificate at reasonable prices; and if not all sold within that period then during the fourth year all such lands remaining unsold shall be exposed to public sale, after previous notice posted at the county seat of the county in which such lands shall be situated, to the highest bidder, and in tracts not exceeding one hundred and sixty acres each.

When to be exposed to public sale.

APPROVED, June 2, 1864.

CHAP. CIV. — *An Act to incorporate the News-boys' Home.*

June 2, 1864.

"The News-boys' Home of Washington city" incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Henry, J. W. Forney, Henry Beard, Sayles J. Bowen, and A. M. Gangwer, their associates and successors, being members of said society, by paying into its treasury the sum of two dollars annually, or life members, by paying fifty dollars at one time, are hereby incorporated and made a body politic, by the name of "The News-boys' Home of Washington City," for the purpose of providing lodgings, meals, and instruction to such homeless and indigent boys as may properly come under the charge of such association, to provide for them a suitable home, board, clothing, and instruction, and to bring them under Christian influence; and by that name shall have perpetual succession, with power to use a common seal, to sue and be sued, to plead and be impleaded in any court of competent jurisdiction within the District of Columbia, to collect subscriptions, make by-laws, rules, and regulations needful for the government of said corporation not inconsistent with the laws of the United States; to have, hold, and receive real estate by purchase, gift, or devise; to use, sell, or convey the same for the purposes and benefit of said corporation, and to choose such officers and teachers as may be necessary, prescribe their duties, and fix the rate of their compensation.

Powers of corporation.

Officers, &c.

SEC. 2. *And be it further enacted*, That the officers of said association shall consist of a president, two vice-presidents, secretary, treasurer, and a board of managers, to be composed of fifteen members, the whole to constitute an executive committee, whose duty it shall be to carry into effect the plans and purposes for which said association was formed, all of which officers shall be elected on the first Tuesday in February in each year at the annual meeting of said association, which shall be held on said day; their successors shall be elected and hold their offices for the term of one year, and until their successors shall be duly elected. And in case of a vacancy it shall be filled by the other members of the executive committee.

APPROVED, June 2, 1864.

CHAP. CVI. — *An Act to provide a National Currency, secured by a Pledge of United States Bonds, and to provide for the Circulation and Redemption thereof.*

June 3, 1864.

1865, ch. 78, §§ 6, 7. *Post*, p. 484.

Currency bureau established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the treasury department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by congress respecting the issue and regulation of a national currency

secured by United States bonds. The chief officer of the said bureau shall be denominated the comptroller of the currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; he shall receive an annual salary of five thousand dollars; he shall have a competent deputy, appointed by the secretary, whose salary shall be two thousand five hundred dollars, and who shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in such office and during his absence or inability; he shall employ, from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law. Within fifteen days from the time of notice of his appointment the comptroller shall take and subscribe the oath of office prescribed by the constitution and laws of the United States; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. The deputy-comptroller so appointed shall also take the oath of office prescribed by the constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars. The comptroller and deputy-comptroller shall not, either directly or indirectly, be interested in any association issuing national currency under the provisions of this act.

Comptroller of the currency.

Appointment.

Term of office.

Salary.

Deputy comptroller.

Clerks.

Comptroller to take oath within what time.

Bond.

Oath and bond of deputy comptroller.

Not to be interested in any banking association.

SEC. 2. *And be it further enacted*, That the comptroller of the currency, with the approval of the Secretary of the Treasury, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State with an impression thereof, which shall thereupon become the seal of office of the comptroller of the currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the comptroller, in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever; and all copies of papers in the office of the comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Seal of currency bureau,

and where to be kept.

Certain papers under such seal to be evidence.

Impression may be upon paper.

SEC. 3. *And be it further enacted*, That there shall be assigned to the comptroller of the currency by the Secretary of the Treasury suitable rooms in the treasury building for conducting the business of the currency bureau, in which shall be safe and secure fire-proof vaults, in which it shall be the duty of the comptroller to deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniencies for the transaction of the said business.

Rooms for currency bureau.

Fire-proof vaults.

Furniture, &c.

SEC. 4. *And be it further enacted*, That the term "United States Bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States by the Secretary of the Treasury in pursuance of law.

Term "United States Bonds" to include what.

SEC. 5. *And be it further enacted*, That associations for carrying on the business of banking may be formed by any number of persons, not less in any case than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the pro-

Banking associations, how may be formed.

visions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them forwarded to the comptroller of the currency, to be filed and preserved in his office.

Organization certificate to specify,

SEC. 6. *And be it further enacted*, That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify —

name,

First. The name assumed by such association, which name shall be subject to the approval of the comptroller.

place of business,

Second. The place where its operations of discount and deposit are to be carried on, designating the state, territory, or district, and also the particular county and city, town, or village.

capital and shares,

Third. The amount of its capital stock, and the number of shares into which the same shall be divided.

names, &c., of shareholders.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

purpose of certificate.

Fifth. A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

Certificate to be acknowledged.

The said certificate shall be acknowledged before a judge of some court of record or a notary public, and such certificate, with the acknowledgment thereof authenticated by the seal of such court or notary, shall be transmitted to the comptroller of the currency, who shall record and carefully preserve the same in his office. Copies of such certificate, duly certified by the comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the United States, or the jurisdiction of the government thereof, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

Copies under seal to be evidence.

Amount of capital to be not less than, &c.

SEC. 7. *And be it further enacted*, That no association shall be organized under this act, with a less capital than one hundred thousand dollars, nor in a city whose population exceeds fifty thousand persons, with a less capital than two hundred thousand dollars: *Provided*, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

Proviso.

Associations when to be corporations and when to commence business.

SEC. 8. *And be it further enacted*, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary, until authorized by the comptroller of the currency to commence the business of banking. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its organization certificate, for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two thirds of its stock, or unless the franchise shall be forfeited by a violation of this act; by such name it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall

Seal.

May continue twenty years, unless, &c.

General powers.

Directors and officers.

By-laws.

also have power to define and regulate by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.

Directors; qualifications; one to be president.

SEC. 9. *And be it further enacted*, That the affairs of every association shall be managed by not less than five directors, one of whom shall be the president. Every director shall, during his whole term of service, be a citizen of the United States; and at least three fourths of the directors shall have resided in the state, territory, or district in which such association is located one year next preceding their election as directors, and be residents of the same during their continuance in office. Each director shall own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the bona fide owner, in his own right, of the number of shares of stock required by this act, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt; which oath, subscribed by himself, and certified by the officer before whom it is taken, shall be immediately transmitted to the comptroller of the currency, and by him filed and preserved in his office.

Oath.

Term of office of directors.

SEC. 10. *And be it further enacted*, That the directors of any association first elected or appointed shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually on such day in the month of January as may be specified in the articles of association; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified. But any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. If from any cause an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if the election should not be held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise: *Provided*, That if the directors fail to fix the day, as aforesaid, shareholders representing two thirds of the shares may.

Elections.

Vacancies, how filled.

Voting and proxies.

SEC. 11. *And be it further enacted*, That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or book-keeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

Capital stock to be divided into shares.

SEC. 12. *And be it further enacted*, That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property and transferable on the

books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares, and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under state laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the comptroller of the currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this act; and if at any time there shall be a deficiency in said surplus of twenty per centum, the said banking association shall not pay any dividends to its shareholders until such deficiency shall be made good; and in case of such deficiency, the comptroller of the currency may compel said banking association to close its business and wind up its affairs under the provisions of this act. And the comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

Transfer.

Rights of existing creditors not to be impaired.

Individual liability.

When comptroller may withhold certificate.

SEC. 13. *And be it further enacted*, That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: *Provided*, That the maximum of such increase in the articles of association shall be determined by the comptroller of the currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the comptroller of the currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association. And every association shall have power, by the vote of shareholders owning two thirds of its capital stock, to reduce the capital of such association to any sum not below the amount required by this act, in the formation of associations: *Provided*, That by no such reduction shall its capital be brought below the amount required by this act for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the comptroller of the currency and his approval thereof obtained.

Increase of capital stock.

Maximum.

Minimum.

SEC. 14. *And be it further enacted*, That at least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in instalments of at least ten per centum each on the whole amount of the capital as frequently as one instalment at the end of each succeeding month from the time it shall be authorized by the comptroller to commence business; and the payment of each instalment shall be certified to the comptroller, under oath, by the president or cashier of the association.

Amount to be paid in before commencing business.

Remainder, when to be paid.

SEC. 15. *And be it further enacted*, That if any shareholder, or his assignee, shall fail to pay any instalment on the stock when the same is required by the foregoing section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction,

Proceedings, if shareholder fails to pay instalments.

Stock of delinquent shareholders to be sold.

having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, and if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, and not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital stock of the association; and if such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be increased to the requirements of the act; in default of which a receiver may be appointed to close up the business of the association according to the provisions of the fiftieth section of this act.

United States registered bonds to be deposited with treasurer to an amount equal to one third of the capital stock.

SEC. 16. *And be it further enacted*, That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the treasurer of the United States any United States registered bonds bearing interest to an amount not less than thirty thousand dollars nor less than one third of the capital stock paid in, which bonds shall be deposited with the treasurer of the United States and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act; and the Secretary of the Treasury is hereby authorized to receive and cancel any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run; and the deposit of bonds shall be, by every association, increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the treasurer registered United States bonds to the amount of at least one third of its capital stock actually paid in: *Provided*, That nothing in this section shall prevent an association that may desire to reduce its capital or to close up its business and dissolve its organization from taking up its bonds upon returning to the comptroller its circulating notes in the proportion hereinafter named in this act, nor from taking up any excess of bonds beyond one third of its capital stock and upon which no circulating notes have been delivered.

Deposit to be increased;

may be diminished.

Comptroller to examine and determine if association can commence business.

SEC. 17. *And be it further enacted*, That whenever a certificate shall have been transmitted to the comptroller of the currency, as provided in this act, and the association transmitting the same shall notify the comptroller that at least fifty per centum of its capital stock has been paid in as aforesaid, and that such association has complied with all the provisions of this act as required to be complied with before such association shall be authorized to commence the business of banking, the comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of the directors of such association, and the amount of the capital stock of which each is the bona fide owner, and generally whether such association has complied with all the requirements of this act to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors and by the president or cashier of such association, a statement of all the facts necessary to enable the comptroller to determine whether such association is lawfully entitled to commence the business of banking under this act.

SEC. 18. *And be it further enacted*, That if, upon a careful examination

of the facts so reported, and of any other facts which may come to the knowledge of the comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions of this act required to be complied with before being entitled to commence the business of banking under it, and that such association is authorized to commence said business accordingly; and it shall be the duty of the association to cause said certificate to be published in some newspaper published in the city or county where the association is located for at least sixty days next after the issuing thereof: *Provided*, That if no newspaper is published in such city or county the certificate shall be published in a newspaper published nearest thereto.

When association is found entitled to commence business, comptroller to give certificate.

Certificate to be published.

SEC. 19. *And be it further enacted*, That all transfers of United States bonds which shall be made by any association under the provisions of this act shall be made to the treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier or some other officer of the association making the deposit, a receipt therefor to be given to said association, or by the comptroller of the currency, or by a clerk appointed by him for that purpose, stating that it is held in trust for the association on whose behalf such transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bonds by the treasurer shall be deemed valid or of binding force and effect unless countersigned by the comptroller of the currency. It shall be the duty of the comptroller of the currency to keep in his office a book in which shall be entered the name of every association from whose accounts such transfer of bonds is made by the treasurer, and the name of the party to whom such transfer is made; and the par value of the bonds so transferred shall be entered therein; and it shall be the duty of the comptroller, immediately upon countersigning and entering the same, to advise by mail the association from whose account such transfer was made of the kind and numerical designation of the bonds and the amount thereof so transferred.

Transfers of bonds by association, to be made to the treasurer in trust.

How executed.

Comptroller to keep transfer book, &.

SEC. 20. *And be it further enacted*, That it shall be the duty of the comptroller of the currency to countersign and enter in the book, in the manner aforesaid, every transfer or assignment of any bonds held by the treasurer presented for his signature; and the comptroller shall have at all times during office hours access to the books of the treasurer, for the purpose of ascertaining the correctness of the transfer or assignment presented to him to countersign; and the treasurer shall have the like access to the book above mentioned, kept by the comptroller, during office hours, to ascertain the correctness of the entries in the same; and the comptroller shall also at all times have access to the bonds on deposit with the treasurer, to ascertain their amount and condition.

Transfers to be countersigned and entered.

Books to be accessible.

SEC. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the comptroller of the currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Associations, after transfer, may receive circulating notes.

1865, ch. 82.

Post, p. 498.

Limit of amount.

SEC. 22. *And be it further enacted*, That the entire amount of notes

Entire circulation not to exceed $300,000,000.

for circulation to be issued under this act shall not exceed three hundred millions of dollars. In order to furnish suitable notes for circulation, the comptroller of the currency is hereby authorized and required, under the

Comptroller to prepare the notes.

direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quan-

Denominations.

tity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to

Notes to express what.

receive the same; which notes shall express upon their face that they are secured by United States bonds, deposited with the treasurer of the United States by the written or engraved signatures of the treasurer and register, and by the imprint of the seal of the treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-

Devices.

president and cashier. And the said notes shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct: *Provided*, That not more than one sixth part of the notes furnished to an association shall be of a less denom-

Notes under $5.

ination than five dollars, and that after specie payments shall be resumed no association shall be furnished with notes of a less denomination than five dollars.

When notes may be circulated as money;

SEC. 23. *And be it further enacted*, That after any such association shall have caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association is hereby authorized to issue and circulate

to be received for all dues, except, &c.

the same as money; and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. And no

Post notes, &c., not to be issued.

such association shall issue post notes or any other notes to circulate as money than such as are authorized by the foregoing provisions of this act.

Worn-out and mutilated notes.

SEC. 24. *And be it further enacted*, That it shall be the duty of the comptroller of the currency to receive worn-out or mutilated circulating notes issued by any such banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to such association other blank circulating notes to an equal amount. And such worn-out or mutilated notes, after a memorandum shall have been entered in the proper books, in accordance with such regulations as may be established by the comptroller, as well as all circulating notes which shall have been paid or surrendered to be cancelled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the comptroller of the currency, one by the treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. And a certificate of such burning, signed by the parties so appointed, shall be made in the books of the comptroller, and a duplicate thereof forwarded to the association whose notes are thus cancelled.

Associations to examine annually its bonds deposited, and make certificate.

SEC. 25. *And be it further enacted*, That it shall be the duty of every banking association having bonds deposited in the office of the treasurer of the United States, once or oftener in each fiscal year, and at such time or times during the ordinary business hours as said officer or officers may select, to examine and compare the bonds so pledged with the books of the comptroller and the accounts of the association, and, if found correct,

to execute to the said treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the treasurer at the date of such certificate. Such examination may be made by an officer or agent of such association, duly appointed in writing for that purpose, whose certificate before mentioned shall be of like force and validity as if executed by such president or cashier; and a duplicate signed by the treasurer shall be retained by the association. Examination of associations.

SEC. 26. *And be it further enacted*, That the bonds transferred to and deposited with the treasurer of the United States, as hereinbefore provided, by any banking association for the security of its circulating notes, shall be held exclusively for that purpose, until such notes shall be redeemed, except as provided in this act; but the comptroller of the currency shall give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which it shall have so transferred to the treasurer; but such powers shall become inoperative whenever such banking association shall fail to redeem its circulating notes as aforesaid. Whenever the market or cash value of any bonds deposited with the treasurer of the United States, as aforesaid, shall be reduced below the amount of the circulation issued for the same, the comptroller of the currency is hereby authorized to demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association receiving said bills, to be deposited with the treasurer of the United States as long as such depreciation continues. And said comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the treasurer by an association for other bonds of the United States authorized by this act to be received as security for circulating notes, if he shall be of opinion that such an exchange can be made without prejudice to the United States, and he may direct the return of any of said bonds to the banking association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the banking association offering to surrender circulating notes shall be equal to the amount required for the circulating notes not surrendered by such banking association, and that the amount of bonds in the hands of the treasurer shall not be diminished below the amount required to be kept on deposit with him by this act: *And provided*, That there shall have been no failure by such association to redeem its circulating notes, and no other violation by such association of the provisions of this act, and that the market or cash value of the remaining bonds shall not be below the amount required for the circulation issued for the same. Deposited bonds to be held exclusively to secure circulation. Provision as to interest. If bonds depreciate, security to be made good. Bonds may be exchanged, if, &c.; may be returned upon cancellation of circulating notes. Proviso.

SEC. 27. *And be it further enacted*, That it shall be unlawful for any officer acting under the provisions of this act to countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this act, except as hereinbefore provided, and in accordance with the true intent and meaning of this act. And any officer who shall violate the provisions of this section shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not exceeding double the amount so countersigned and delivered, and imprisonment not less than one year and not exceeding fifteen years, at the discretion of the court in which he shall be tried. The countersigning and delivery of circulating notes, except as permitted by this act, made unlawful. Penalty.

SEC. 28. *And be it further enacted*, That it shall be lawful for any such association to purchase, hold, and convey real estate as follows: — Associations may hold, &c., certain real estate.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Real estate.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association, or shall purchase to secure debts due to said association.

Such associations shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section. Nor shall it hold the possession of any real estate under mortgage, or hold the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years.

No person, &c., to be liable to association for more than, &c.

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of bona fide bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, or firm negotiating the same shall not be considered as money borrowed.

Certain discounts not to be included.

Rate of interest.

SEC. 30. *And be it further enacted*, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the state or territory where the bank is located, and no more, except that where by the laws of any state a different rate is limited for banks of issue organized under state laws, the rate so limited shall be allowed for associations organized in any such state under this act. And when no rate is fixed by the laws of the state or territory, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in any action of debt, twice the amount of the interest thus paid from the association taking or receiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a bona fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Penalty for taking greater interest.

Action to be commenced in two years.

Amount of money to be kept on hand.

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such associations shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until

Liabilities not to be increased until reserve is made good.

the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored: *Provided*, That three fifths of said fifteen per centum may consist of balances due to an association available for the redemption of its circulating notes from associations approved by the comptroller of the currency, organized under this act, in the cities of Saint Louis, Louisville, Chicago, Detroit, Milwaukie, New Orleans, Cincinnati, Cleveland, Pittsburg, Baltimore, Philadelphia, Boston, New York, Albany, Leavenworth, San Francisco, and Washington City: *Provided, also*, That clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, shall be deemed to be lawful money in the possession of any association belonging to such clearing-house holding and owning such certificate, and shall be considered to be a part of the lawful money which such association is required to have under the foregoing provisions of this section: *Provided*, That the cities of Charleston and Richmond may be added to the list of cities in the national associations of which other associations may keep three fifths of their lawful money, whenever, in the opinion of the comptroller of the currency, the condition of the southern states will warrant it. And it shall be competent for the comptroller of the currency to notify any association, whose lawful money reserve as aforesaid shall be below the amount to be kept on hand as aforesaid, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money of the United States, the comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of such association, as provided in this act.

Money deposited for redemption of circulation in certain cities to be included.

Clearing-house certificates to be deemed lawful money for this purpose.

Charleston and Richmond.

If association fails, after notice, to make good its reserve.

SEC. 32. *And be it further enacted*, That each association organized in any of the cities named in the foregoing section shall select, subject to the approval of the comptroller of the currency, an association in the city of New York, at which it will redeem its circulating notes at par. And each of such associations may keep one half of its lawful money reserve in cash deposits in the city of New York. And each association not organized within the cities named in the preceding section shall select, subject to the approval of the comptroller of the currency, an association in either of the cities named in the preceding section at which it will redeem its circulating notes at par, and the comptroller shall give public notice of the names of the associations so selected at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. If any association shall fail either to make the selection or to redeem its notes as aforesaid, the comptroller of the currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in this act, to wind up its affairs: *Provided*, That nothing in this section shall relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money, on demand: *And provided, further*, That every association formed or existing under the provisions of this act shall take and receive at par, for any debt or liability to said association, any and all notes or bills issued by any association existing under and by virtue of this act.

Circulation to be redeemed in New York at par.

Certain associations to select place for redemption of circulation.

Proceedings in case of failure.

Each association to take notes of other associations.

SEC. 33. *And be it further enacted*, That the directors of any association may, semi-annually, each year, declare a dividend of so much of the nett profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one tenth part of its nett profits of the preceding half year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Dividends.

Surplus funds.

SEC. 34. *And be it further enacted*, That every association shall make to the comptroller of the currency a report, according to the form which may be prescribed by him, verified by the oath or affirmation of the pres-

Associations to report to comptroller quarterly.

Contents of report.

ident or cashier of such association; which report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the association before the commencement of business on the morning of the first Monday of the months of January, April, July, and October of each year, and shall transmit the same to the comptroller within five days thereafter. And any bank failing to make and transmit such report shall be subject to a penalty of one hundred dollars for each day after five days that such report is delayed beyond that time. And the comptroller shall publish abstracts of said reports in a newspaper to be designated by him for that purpose in the city of Washington, and the separate report of each association shall be published in a newspaper in the place where such association is established, or if there be no newspaper at such place, then in a newspaper published at the nearest place thereto, at the expense of the association making such report. In addition to the quarterly reports required by this section, every association shall, on the first Tuesday of each month, make to the comptroller of the currency a statement, under the oath of the president or cashier, showing the condition of the association making such statement, on the morning of the day next preceding the date of such statement, in respect to the following items and particulars, to wit: average amount of loans and discounts, specie, and other lawful money belonging to the association, deposits, and circulation. And associations in other places than those cities named in the thirty-first section of this act shall also return the amount due them available for the redemption of their circulation.

Penalty for failing to report.

Comptroller to publish abstracts.

Monthly statements.

Associations not to make loans, &c., on the security of their own stock, &c.

Sec. 35. *And be it further enacted*, That no association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, in default of which a receiver may be appointed to close up the business of the association, according to the provisions of this act.

Indebtedness not to exceed capital stock, except, &c.

Sec. 36. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on the following accounts, that is to say: —

First. On account of its notes of circulation.

Second. On account of moneys deposited with, or collected by, such association.

Third. On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such association, or due thereto.

Fourth. On account of liabilities to its stockholders for dividends and reserved profits.

Associations not to hypothecate circulating notes, for, &c.;

Sec. 37. *And be it further enacted*, That no association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

not to withdraw any portion of their capital.

Losses.

Bad debts.

Sec. 38. *And be it further enacted*, That no association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in form of dividends or otherwise, any portion of its capital. And if losses shall at any time have been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it shall continue its banking operations, to an amount greater than its nett profits then on hand, deducting therefrom its losses and bad debts. And all debts due to any

association, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad debts within the meaning of this act: *Provided*, That nothing in this section shall prevent the reduction of the capital stock of the association under the thirteenth section of this act.

What to be deemed bad debts.

SEC. 39. *And be it further enacted*, That no association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation the notes of any bank or banking association which shall not, at any such time, be receivable, at par, on deposit and in payment of debts by the association so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

Associations not to pay out certain notes.

SEC. 40. *And be it further enacted*, That the president and cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted; and such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under state authority, during business hours of each day in which business may be legally transacted; and a copy of such list, on the first Monday of July in each year, verified by the oath of such president or cashier, shall be transmitted to the comptroller of the currency.

List of names and residences of shareholders to be kept;

to be subject to inspection;

to be sent to comptroller.

SEC. 41. *And be it further enacted*, That the plates and special dies to be procured by the comptroller of the currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act. And in lieu of all existing taxes, every association shall pay to the treasurer of the United States, in the months of January and July, a duty of one half of one per centum each half year from and after the first day of January, eighteen hundred and sixty-four, upon the average amount of its notes in circulation, and a duty of one quarter of one per centum each half year upon the average amount of its deposits, and a duty of one quarter of one per centum each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof by any association, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the treasurer may reserve the amount of said duties out of the interest, as it may become due, on the bonds deposited with him by such defaulting association. And it shall be the duty of each association, within ten days from the first days of January and July of each year, to make a return, under the oath of its president or cashier, to the treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding said first days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be

Comptroller to keep control of plates and special dies.

Expenses to be borne by associations.

Duty upon circulation, deposits, and capital stock to be paid semi-annually.

How collected, if not paid in time.

Return of circulation, &c., to be made.

Penalty for default.

paid by such association shall be assessed upon the amount of notes delivered to such association by the comptroller of the currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent all the shares in any of the said associations, held by any person or body corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of taxes imposed by or under state authority at the place where such bank is located, and not elsewhere, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such state: *Provided, further*, That the tax so imposed under the laws of any state upon the shares of any of the associations authorized by this act shall not exceed the rate imposed upon the shares in any of the banks organized under authority of the state where such association is located: *Provided, also*, That nothing in this act shall exempt the real estate of associations from either state, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

Shares not hereby exempted from taxation by state authority.

Limit of state tax.

Real estate to be taxed.

SEC. 42. *And be it further enacted*, That any association may go into liquidation and be closed by the vote of its shareholders owning two thirds of its stock. And whenever such vote shall be taken it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the comptroller of the currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in a city or town in which the association is located, and if no newspaper be there published, then in the newspaper published nearest thereto, that said association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment. And at any time after the expiration of one year from the time of the publication of such notice as aforesaid, the said association may pay over to the treasurer of the United States the amount of its outstanding notes in the lawful money of the United States, and take up the bonds which said association has on deposit with the treasurer for the security of its circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of this act, and from that time the outstanding notes of said association shall be redeemed at the treasury of the United States, and the said association and the shareholders thereof shall be discharged from all liabilities therefor.

How associations may be closed.

Proceedings.

SEC. 43. *And be it further enacted*, That the treasurer, on receiving from an association lawful money for the payment and redemption of its outstanding notes, as provided for in the preceding section of this act, shall execute duplicate receipts therefor, one to the association and the other to the comptroller of the currency, stating the amount received by him, and the purpose for which it has been received, which amount shall be paid into the treasury of the United States, and placed to the credit of such association upon redemption account. And it shall be the duty of the treasurer, whenever he shall redeem any of the notes of said association, to cause the same to be mutilated, and charged to the redemption account of said association; and all notes so redeemed by the treasurer shall, every three months, be certified to and burned in the manner prescribed in the twenty-fourth section of this act.

Treasurer to execute duplicate receipts.

Redeemed notes to be mutilated, &c.

SEC. 44. *And be it further enacted*, That any bank incorporated by special law, or any banking institution organized under a general law of any state, may, by authority of this act, become a national association under its provisions, by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate required by this act may be executed by a majority of the directors of the bank or banking institution; and said certificate shall de-

State banks may become national associations.

clare that the owners of two thirds of the capital stock have authorized the directors to make such certificate and to change and convert the said bank or banking institution into a national association under this act. And a majority of the directors, after executing said articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before said conversion, and the directors aforesaid may be the directors of the association until others are elected or appointed in accordance with the provisions of this act; and any state bank which is a stockholder in any other bank, by authority of state laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this act. When the comptroller shall give to such association a certificate, under his hand and official seal, that the provisions of this act have been complied with, and that it is authorized to commence the business of banking under it, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects as are prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act: *Provided, however*, That no such association shall have a less capital than the amount prescribed for banking associations under this act.

Mode of procedure.

SEC. 45. *And be it further enacted*, That all associations under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the government, as may be required of them. And the Secretary of the Treasury shall require of the associations thus designated satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the government: *Provided*, That every association which shall be selected and designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid in to the government for internal revenue, or for loans or stocks.

Associations, when so designated, may be depositaries of public moneys, except, &c.;

may be financial agents.

Designated depositaries to pay promptly;

to receive national currency bills at par.

SEC. 46. *And be it further enacted*, That if any such association shall at any time fail to redeem, in the lawful money of the United States, any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association, or at its place of redemption aforesaid, the holder may cause the same to be protested, in one package, by a notary-public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable, shall offer to waive demand and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof; and such notary-public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the comptroller of the currency, retaining a copy thereof. And after such default, on examination of the facts by the comptroller, and notice by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposites: *Provided*, That if

If associations fail to redeem their circulation, the notes may be protested, unless, &c.

Notice of protest, &c., to be forwarded to comptroller.

Association not to do business further, except, &c.

Notes not to be protested in certain cases.

satisfactory proof be produced to such notary-public that the payment of any such notes is restrained by order of any court of competent jurisdiction, such notary-public shall not protest the same; and when the holder of such notes shall cause more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

Fees of notary.

Upon notice of failure to redeem circulation, comptroller to send special agent to ascertain facts,

SEC. 47. *And be it further enacted*, That on receiving notice that any such association has failed to redeem any of its circulating notes, as specified in the next preceding section, the comptroller of the currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent (of whose appointment immediate notice shall be given to such association) who shall immediately proceed to ascertain whether such association has refused to pay its circulating notes in the lawful money of the United States, when demanded as aforesaid, and report to the comptroller the fact so ascertained; and if, from such protest or the report so made, the comptroller shall be satisfied that such association has refused to pay its circulating notes as aforesaid and is in default, he shall, within thirty days after he shall have received notice of such failure, declare the United States bonds and securities pledged by such association forfeited to the United States, and the same shall thereupon be forfeited accordingly. And thereupon the comptroller shall immediately give notice in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association to present them for payment at the treasury of the United States, and the same shall be paid as presented in lawful money of the United States; whereupon said comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid. And it shall be lawful for the Secretary of the Treasury, from time to time, to make such regulations respecting the disposition to be made of such circulating notes after presentation thereof for payment as aforesaid, and respecting the perpetuation of the evidence of the payment thereof as may seem to him proper; but all such notes, on being paid, shall be cancelled. And for any deficiency in the proceeds of the bonds pledged by such association, when disposed of as hereinafter specified, to reimburse to the United States the amount so expended in paying the circulating notes of such association, the United States shall have a first and paramount lien upon all the assets of such association; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

when to declare securities forfeited,

to notify holders of notes to present them for payment,

to pay notes and cancel bonds.

The United States to have priority of lien upon assets for any deficiency in redemption of circulation.

Bonds pledged as security may be sold at auction;

SEC. 48. *And be it further enacted*, That whenever the comptroller shall become satisfied, as in the last preceding section specified, that any association has refused to pay its circulating notes as therein mentioned, he may, instead of cancelling the United States bonds pledged by such association, as provided in the next preceding section, cause so much of them as may be necessary to redeem the outstanding circulating notes of such association to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to such association.

or at private sale.

SEC. 49. *And be it further enacted*, That the comptroller of the currency may, if he shall be of opinion that the interests of the United States will be best promoted thereby, sell at private sale any of the bonds pledged by such association, and receive therefor either money or the circulating notes of such failing association: *Provided*, That no such bonds shall be sold by private sale for less than par, nor less than the market value thereof at the time of sale: *And provided, further*, That no sales of any such bonds, either public or private, shall be complete until the transfer thereof shall have been made with the formalities prescribed in this act.

Proviso.

SEC. 50. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any association has refused to pay its circulating

notes as therein mentioned, and is in default, the comptroller of the currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders provided for by the twelfth section of this act; and such receiver shall pay over all money so made to the treasurer of the United States, subject to the order of the comptroller of the currency, and also make report to the comptroller of the currency of all his acts and proceedings. The comptroller shall thereupon cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof. And from time to time the comptroller, after full provision shall have been first made for refunding to the United States any such deficiency in redeeming the notes of such association as is mentioned in this act, shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction; and from time to time, as the proceeds of the assets of such association shall be paid over to him, he shall make further dividends, as aforesaid, on all claims previously proved or adjudicated; and the remainder of such proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held: *Provided, however*, That if such association against which proceedings have been so instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, shall deny having failed to do so, such association may, at any time within ten days after such association shall have been notified of the appointment of an agent, as provided in this act, apply to the nearest circuit, or district, or territorial court of the United States, to enjoin further proceedings in the premises; and such court, after citing the comptroller of the currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

Comptroller may appoint a receiver to close affairs of defaulting association.

Bond and duties of receiver, &c.

If association denies that it has failed to redeem its notes, it may apply to the courts for an injunction.

Proceedings.

SEC. 51. *And be it further enacted*, That all fees for protesting the notes issued by any such banking association shall be paid by the person procuring the protest to be made, and such banking association shall be liable therefor; but no part of the bonds pledged by such banking association, as aforesaid, shall be applied to the payment of such fees. And all expenses of any preliminary or other examinations into the condition of any association shall be paid by such association; and all expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Fees for protest and other expenses, how to be paid.

SEC. 52. *And be it further enacted*, That all transfer of the notes, bonds, bills of exchange, and other evidences of debt owing to any association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation

Transfers, assignments, &c., in contemplation of insolvency, &c., to be void.

thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

Penalty upon directors for violations of this act.

SEC. 53. *And be it further enacted*, That if the directors of any association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this act, all the rights, privileges, and franchises of the association derived from this act shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the comptroller of the currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

Violation, how to be determined.

Personal liability.

Comptroller may appoint person to examine the affairs of any association.

SEC. 54. *And be it further enacted*, That the comptroller of the currency, with the approbation of the Secretary of the Treasury, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the comptroller. And the association shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

Duty of such examiner.

Pay.

Penalty upon officers, &c., of association for embezzlement, &c., of funds.

SEC. 55. *And be it further enacted*, That every president, director, cashier, teller, clerk, or agent of any association, who shall embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of the association, or shall, without authority from the directors, issue or put in circulation any of the notes of the association, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or shall make any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than five nor more than ten years.

District attorneys to conduct certain suits.

SEC. 56. *And be it further enacted*, That all suits and proceedings arising out of the provisions of this act, in which the United States or its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts, under the direction and supervision of the solicitor of the treasury.

In what courts, suits, &c., under this act may be prosecuted.

SEC. 57. *And be it further enacted*, That suits, actions, and proceedings, against any association under this act, may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established; or in any state, county, or municipal court in the county or city in which said association is located,

having jurisdiction in similar cases: *Provided, however*, That all proceedings to enjoin the comptroller under this act shall be had in a circuit, district, or territorial court of the United States, held in the district in which the association is located. Proceedings for injunctions to be in what courts.

SEC. 58. *And be it further enacted*, That every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any such association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall, upon conviction, forfeit fifty dollars to the association who shall be injured thereby, to be recovered by action in any court having jurisdiction. Penalty for mutilating notes to make them unfit for reissue.

SEC. 59. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued under the provisions of this act, or shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any association doing a banking business under the provisions of this act, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any such circulating notes, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, as aforesaid, knowing the same to be falsely altered or spurious, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law shall be sentenced to be imprisoned and kept at hard labor for a period of not less than five years, nor more than fifteen years, and fined in a sum not exceeding one thousand dollars. Penalty for counterfeiting notes, for knowingly uttering, &c.

SEC. 60. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any plate, die, or block after the similitude of any plate, die, or block from which any circulating notes issued as aforesaid shall have been prepared or printed, with intent to use such plate, die, or block, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than five or more than fifteen years, and fined in a sum not exceeding one thousand dollars. for engraving, &c., plates for forging notes, &c. for having blank notes, &c., with intent, for having paper, &c.

SEC. 61. *And be it further enacted*, That it shall be the duty of the comptroller of the currency to report annually to congress at the commencement of its session — Comptroller to report annually to congress.

First. A summary of the state and condition of every association from whom reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other in- Contents of report.

Contents of comptroller's report to congress.

formation in relation to said associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year. And such report shall be made by or before the first day of December in each year, and the usual number of copies for the use of the senate and house, and one thousand copies for the use of the department, shall be printed by the public printer and in readiness for distribution at the first meeting of congress.

Repeal of act of 1863, ch. 58. Vol. xii. p. 665.

Saving clauses.

Sec. 62. *And be it further enacted*, That the act entitled "An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February twenty-fifth, eighteen hundred and sixty-three, is hereby repealed: *Provided*, That such repeal shall not affect any appointments made, acts done, or proceedings had, or the organization, acts, or proceedings of any association organized or in the process of organization under the act aforesaid: *And provided, also*, That all such associations so organized or in process of organization shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this act, and with the approval of the comptroller of the currency, in lieu of the name specified in their respective organization certificates, may take any other name preferred by them and duly certified to the comptroller, without prejudice to any right acquired under this act, or under the act hereby repealed; but no such change shall be made after six months from the passage of this act: *Provided, also*, That the circulation issued or to be issued by such association shall be considered as a part of the circulation provided for in this act.

Executors, trustees, &c., holding stock, not to be personally liable.

Sec. 63. *And be it further enacted*, That persons holding stock as executors, administrators, guardians, and trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in said trust-funds would be if they were respectively living and competent to act and hold the stock in their own names.

Act may be altered or repealed.

Sec. 64. *And be it further enacted*, That congress may at any time amend, alter, or repeal this act.

Approved, June 3, 1864.

June 3, 1864.

Chap. CVII. — *An Act to amend an Act relative to the Public Printing.*

1864, ch. 30. *Ante*, p. 25.

Requisitions for printing, &c., to be made by assistants as well as by heads of departments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved March fourteenth, eighteen hundred and sixty-four, as provides "that hereafter no printing or binding shall be done or blank books be procured for any of the executive departments of the government without a written requisition on the superintendent of public printing from the head of such department," be, and the same is hereby, amended by inserting after the word "department," where it is last above written, the following words, viz: "or his assistant or assistants," so that it will read — "the head of such department or his assistant or assistants."

Approved, June 3, 1864.

CHAP. CVIII.—*An Act to repeal the first Section of the Joint Resolution relative to the Transfer of Persons in the Military Service to the Naval Service, approved February twenty-four, eighteen hundred and sixty-four.*

June 3, 1864.

Pub. Res. No. 15.

Post, p. 402.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the joint resolution entitled a "Joint resolution relative to the transfer of persons in the military service to the naval service," approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

The direction to the provost-marshal-general to enlist into the naval service, &c., repealed.

APPROVED, June 3, 1864.

CHAP. CIX.—*An Act to reëstablish the principal Port of Entry for the District of Champlain at Plattsburgh, and for other Purposes.*

June 3, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act to equalize and establish the compensation of the collectors of the customs on the northern, northeastern, and northwestern frontiers, and for other purposes," approved March third, eighteen hundred and sixty-three, changing the port of entry for the district of Champlain from Plattsburgh to Rouse's Point, be, and the same is hereby, repealed, and that Plattsburgh be, and the same is hereby, reëstablished as the principal port of entry for said district, at which the collector of customs shall reside. And a deputy collector shall reside at Rouse's Point, and be vested with all the power and authority given to deputy collectors by law.

Plattsburgh re-established as the principal port of entry.

1863, ch. 87, § 3. Vol. xii. p. 761.

Residence of collector and deputy collector.

APPROVED, June 3, 1864.

CHAP. CX.—*An Act to amend an Act entitled "An Act making a Grant of alternate Sections of [the] Public Lands to the State of Michigan to aid in the Construction of certain Railroads in said State, and for other Purposes.*

June 7, 1864.

1856, ch. 44. Vol. xi. p. 21.

1865, ch. 108. *Post*, p. 530.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act making a grant of alternate sections of [the] public lands to the State of Michigan to aid in the construction of certain railroads in said state, and for other purposes," be and the same is hereby, amended as follows, namely: Substitute for the words "and from Grand Rapids to some point on or near Traverse Bay," contained in the first section of said act, these words: And from Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, in the township of Sturgis, thence, by way of Grand Rapids, to some point on or near Traverse Bay. And the said act shall be, and is hereby, so amended as to substitute for the first clause of the first proviso in the first section thereof, so far as the same shall be applicable to the grant of lands made to aid in the construction of the railroad described by the foregoing amendment, these words: *Provided*, That the lands so to be selected shall in no case be further than twenty miles from the line of said road: *Provided, further*, That the time specified in the 4th section of the act hereby amended for the completion of said road shall not be extended.

Amendment of former act granting land to Michigan for railroads.

Location changed.

Limit of selection of lands.

Time not to be extended.

SEC. 2. *And be it further enacted*, That the lands granted by the act amended by this act, and also by the provisions of this act, to aid in the construction of the railroad described in the foregoing section, shall be disposed of only in the following manner, that is to say, when the governor of the State of Michigan shall certify to the Secretary of the Interior that ten consecutive miles of said road have been completed in a good and substantial manner as a first-class railroad, indicating definitely where said completed section commences and where the same terminates, the said secretary shall cause patents to issue to said state for so much of said lands as are located opposite to, and coterminous with, said completed section of said road, and so from time to time for each completed section of ten miles of said road until the whole shall be completed.

Lands granted, how only to be disposed of.

APPROVED, June 7, 1864.

June 7, 1864.

CHAP. CXI. — *An Act to provide for granting an honorable Discharge to Coal-heavers and Firemen in the Naval Service.*

Coal-heavers and firemen may be honorably discharged.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That honorable discharges may be granted to coal-heavers and firemen in the naval service of the United States in the same manner and subject to the same conditions as such discharges are now granted to seamen, ordinary seamen, landsmen, and boys.

APPROVED, June 7, 1864.

June 8, 1864.

CHAP. CXIII. — *An Act to create an additional Supervising Inspector of Steamboats and two local Inspectors of Steamboats for the Collection District of Memphis, Tennessee, and two local Inspectors for the Collection District of Oregon, and for other Purposes.*

Additional supervising inspector of steamboats and local inspectors in Oregon and Tennessee.

Pay and duties.

1852, ch. 106. Vol. x. p. 61.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be designated and appointed, in the mode prescribed by law, and who shall be paid the same annual compensation as is now paid, one additional supervising inspector of steamboats, and two local inspectors of steamboats, at Portland, in the collection district of Oregon, and two for the collection district of Memphis, Tennessee, at an annual compensation of seven hundred dollars, to be paid as provided by law, as in case of other like inspectors; and said inspectors shall perform the duties and be subject to the provisions of the steamboat act of August thirtieth, eighteen hundred and fifty-two.

Authority for two local inspectors at Wheeling, repealed.

SEC. 2. *And be it further enacted*, That so much of said act as provides for the appointment of two local inspectors of steamboats in the district of Wheeling, on the Ohio River, and for their compensation, is hereby repealed.

Fee for license to engineers and pilots.

SEC. 3. *And be it further enacted*, That each engineer and pilot, licensed according to the provisions of said act, shall pay for every certificate granted by any inspector or inspectors, the sum of ten dollars, to be accounted for in the mode provided by law.

Ferry-boat, tugs, and canal-boats to be inspected, where, &c.

Vol. x. p. 75.

SEC. 4. *And be it further enacted*, That the forty-second section of the act of August thirty, eighteen hundred and fifty-two, be so construed as to require the inspection of the hull and boiler, in the manner prescribed by that act, of every vessel propelled in whole or in part by steam, and engaged as a ferry-boat, tug or towing-boat, or canal-boat, in all cases where, under the laws of the United States, such vessels may be engaged in the commerce with foreign nations, or among the several states.

Engineers and pilots of ferry, and tug, &c., boats to be classified.

SEC. 5. *And be it further enacted*, That all engineers and pilots of ferry-boats, tug-boats, towing-boats, or canal-boats, subject to inspection by this act, shall be classified and licensed in the same manner as are pilots and engineers by said act of August thirty, eighteen hundred and fifty-two.

Fees for inspection of vessels.

Vol. x. p. 73.

1865, ch. 94, § 2. *Post*, p. 514.

SEC. 6. *And be it further enacted*, That, in lieu of the fees for inspection required by the thirty-first section of the act of August thirty, eighteen hundred and fifty-two, the following shall be paid: For each vessel of one hundred tons or under, twenty-five dollars, and in addition thereto for each one hundred tons, over the first one hundred tons, five dollars.

Repeal of inconsistent provisions.

SEC. 7. *And be it further enacted*, That all parts of the act aforesaid, which are suspended by or are inconsistent with this act, are hereby repealed.

APPROVED, June 8, 1864.

June 8, 1864.

CHAP. CXIV. — *An Act to punish and prevent the Counterfeiting of Coin of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person

or persons, except as now authorized by law, shall hereafter make, or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver, or other metals or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, every person so offending shall, on conviction thereof, be punished by fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding five years, or both, at the discretion of the court, according to the aggravation of the offence.

Penalty for counterfeiting coin of the United States.

APPROVED, June 8, 1864.

CHAP. CXV.—*An Act to provide for the Payment of the second Regiment, third Brigade, Ohio Volunteer Militia, during the Time they were mustered into the Service of the United States.*

June 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regiment, third brigade, Ohio volunteer militia, mustered into the service of the United States at Cincinnati, Ohio, on the fourth day of September, eighteen hundred and sixty-two, notwithstanding irregularity may have occurred in the manner of their mustering into the service of the United States, be paid for the time the officers and men were in the service, respectively, after being so mustered, not, however, to exceed the period of thirty days.

Payment of 2d Regiment, 3d Brigade, Ohio volunteers.

APPROVED, June 8, 1864.

CHAP. CXVI.—*An Act to provide for the Execution of Treaties between the United States and foreign Nations respecting Consular Jurisdiction over the Crews of Vessels of such foreign Nations in the Waters and Ports of the United States.*

June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in all cases where it may have been or shall hereafter be stipulated by treaty or convention between the United States and any foreign nation to the effect that the consul-general, consuls, vice-consuls, or consular or commercial agents of the two nations, respectively, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the one nation, between the master or other officer or officers and any of the crew, or between any of these last themselves, of any ship or vessel belonging to the other nation, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared: *Provided*, That before this act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States, the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring this act to be in force as to such nation.

Treaty stipulations giving consuls, &c., jurisdiction over controversies between officers of vessels and mariners, &c., how to be carried into effect.

Other contracting party to make similar provisions.

SEC. 2. *And be it further enacted*, That in all cases within the purview of this act the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or any judge thereof, or to any commissioner appointed under the laws of the United States, to take bail or affidavits, or for other judicial purposes whatsoever, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the ship or vessel, to the effect that the person in question is of the crew or ship's company of such ship or vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the said ship

Consul, &c., to apply to proper judicial authority.

Application to state what, &c.

or vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States, and thereupon such judge, commissioner, or other judicial officer, on inspection of such application, the same being in writing and duly authenticated by the consular or other sufficient official seal,

Warrant for arrest to issue.

shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place. And

If person arrested is a citizen, he shall be discharged.

if, on such examination, it shall be made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this shall not be made to appear, and such judge, commissioner, or other judicial authority shall find, upon the papers hereinbefore referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign ship or vessel, or, whether in its nature civil or criminal, does not *effect* [affect] directly the execution of the laws of

If not, &c., person to be committed.

the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or to the master or chief officer of such foreign ship or vessel, in his discretion, to be subject to the lawful orders, control, and discipline of the master or chief officer for the time being, of such ship, and to the jurisdiction of the consular or commercial authority of the nation to which such ship or vessel may belong, to the exclusion of any authority or jurisdiction in the premises of the United States or any state

Expenses, how to be paid.

thereof: *Provided, nevertheless*, That the expenses of the arrest and the detention of the person so arrested shall be paid by the consul-general, consuls, or vice-consuls: *And provided, further*, That no person shall be

Limit of imprisonment.

detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause.

Approved, June 11, 1864.

June 11, 1864.

Chap. CXVII. — *An Act to authorize the Secretary of the Treasury to stipulate for the Release from Attachment or other Process, of Property claimed by the United States, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any property

Attachment in judicial proceeding of property owned, &c., by the United States, how may be discharged.

owned or held by the United States, or in which the United States have or claim an interest, shall, in any judicial proceeding under the laws of any state, district, or territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against said property, it shall be lawful for the Secretary of the Treasury, in his discretion, to direct the solicitor of the treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this act; and in all cases where such stipulation shall be entered into, as aforesaid, and the property shall, in consequence thereof, be discharged as aforesaid, and final judgment shall be given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried,

Effect of final judgment in such proceedings.

affirming the claim for the security or satisfaction of which such proceedings shall have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judg-

ment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of said property had not been changed; and if such claim be for the payment of money, and the same shall by such judgment be found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That the amount so to be allowed and paid shall not exceed the value of the interest of the United States in the property in question: *And provided, further*, That nothing herein contained shall be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

Limit of amount to be paid.

Right to enforce such claim, &c. not recognized.

APPROVED, June 11, 1864.

CHAP. CXVIII. — *An Act in Relation to the Limitation of Actions in certain Cases.* June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, during the existence of the present rebellion, any action, civil or criminal, shall accrue against any person who, by reason of resistance to the execution of the laws of the United States, or the interruption of the ordinary course of judicial proceedings, cannot be served with process for the commencement of such action or the arrest of such person, or whenever, after such action, civil or criminal, shall have accrued, such person cannot, by reason of such resistance of the laws, or such interruption of judicial proceedings, be arrested or served with process for the commencement of the action, the time during which such person shall so be beyond the reach of legal process shall not be deemed or taken as any part of the time limited by law for the commencement of such action.

Time during which person is beyond legal process by reason of resistance to the laws not to make part of time limited for bringing actions.

APPROVED, June 11, 1864.

CHAP. CXIX. — *An Act relating to Members of Congress, Heads of Departments, and other Officers of the Government.* June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no member of the Senate or House of Representatives shall, after his election and during his continuance in office, nor shall any head of a department, head of a bureau, clerk, or any other officer of the government receive or agree to receive any compensation whatsoever, directly or indirectly, for any services rendered, or to be rendered, after the passage of this act, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. And any person offending against any provision of this act shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding ten thousand dollars, and by imprisonment for a term not exceeding two years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the government of the United States.

Senators, representatives, heads of bureaus, &c., not to receive pay for services in any matter where the United States is a party.

Penalty.

APPROVED, June 11, 1864.

June 11, 1864.

CHAP. CXX. — *An Act to change and define the Boundaries of the Eastern and Western Judicial Districts of Virginia, and to alter the Names of said Districts, and for other Purposes.*

Jurisdiction and name of western district of Virginia;

of eastern district.

Sessions of district of West Virginia;

of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the western district of Virginia shall hereafter be coextensive with, and confined to the limits of the State of West Virginia, and shall be called the district of West Virginia; and the jurisdiction of the eastern district of Virginia shall hereafter be coextensive with the limits and include the whole of the State of Virginia, and shall be called the district of Virginia. The judge of the said district of West Virginia shall annually hold six sessions as follows: At Clarksburg, on the 24th days of March and August; at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September. The judge of the district of Virginia shall, in addition to the sessions heretofore held by him as judge of the eastern district of Virginia, hold sessions at the times and places within the district of Virginia when and where sessions were held prior to the passage of this act by the judge of the western district of Virginia.

Records and files, where to be kept.

SEC. 2. *And be it further enacted*, That all the records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of Virginia, as prescribed and fixed in the first section of this act, shall remain and be kept in the district of Virginia; and all records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of West Virginia, as prescribed and fixed by the first section of this act, shall remain and be kept in the district of West Virginia.

Pending process.

And all writs, suits, pleas, recognizances, indictments, and all other process, civil or criminal, issued, sued out, commenced, or pending, of which, if this act had never been passed, the judge of the western district would have had jurisdiction within the limits of the said district of Virginia, as defined by this act, shall be returned, entered, and have day before, and be heard and determined by, the judge of the district of Virginia, in the same manner, and with the same validity and effect, as they should have been returned, entered, heard, and determined by the judge of the western district of Virginia, if this act had never been passed.

Proceedings of of court of western district of Virginia confirmed.

SEC. 3. *And be it further enacted*, That all the judicial proceedings of the court of the western district of Virginia had within the limits of the district of West Virginia, as fixed by the first section of this act, since the erection of West Virginia into a state, are hereby made and declared to be as valid and binding as if this act had been passed contemporaneously with the act establishing the State of West Virginia, and said judicial proceedings had been under and by virtue of this act.

APPROVED, June 11, 1864.

June 11, 1864.

CHAP. CXXI. — *An Act to provide for the summary Trial of minor Offences against the Laws of the United States.*

Special sessions of United States district courts may be held to try, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the judge of any district court of the United States to hold a special session of said court at any time, whether in term or vacation, for the trial of minor offences against the laws of the United States, as hereinafter provided.

Complaints against officers and mariners of vessels, for offences not capital or infamous, to be

SEC. 2. *And be it further enacted*, That whenever a complaint shall be made against any master, officer, or mariner of any ship or vessel belonging, in whole or in part, to any citizen or citizens of the United States, of the commission of any offence, not capital or otherwise infamous, against any law of the United States made for the protection of persons or prop-

erty engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried under the provisions of this act, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court. investigated by district attorney, and summarily tried.

SEC. 3. *And be it further enacted*, That at such trial it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath, in writing, shall be presented to the court, setting out the offence in such manner as clearly to apprize the accused of the character of the offence complained of, and to enable him to answer the complaint. And the said complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. No indictment necessary. Written complaint on oath. Defendant may answer and make counter-statement.

SEC. 4. *And be it further enacted*, That the said trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty. Summary trial to be had by the court. Jury.

SEC. 5. *And be it further enacted*, That it shall not be lawful for the court to sentence any person convicted on such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine. Limit of sentence in such cases.

SEC. 6. *And be it further enacted*, That it shall be lawful for the court to allow the district attorney to amend his statement or complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appear to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made until a further day, to be fixed by the court. Complaint or statement may be amended, &c.

SEC. 7. *And be it further enacted*, That at such trial, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers. If trial by jury, peremptory challenges allowed. Other challenges.

APPROVED, June 11, 1864.

CHAP. CXXII. — *An Act to abolish the Collection Districts of Port Orford and Cape Perpetua, in the State of Oregon.* June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collection districts of Cape Perpetua and Port Orford, heretofore established by law, are hereby abolished, and the same attached to the collection district of Oregon. Collection districts of Port Orford and Cape Perpetua abolished.

APPROVED, June 11, 1864.

CHAP. CXXIII. — *An Act to amend an Act entitled "An Act to confirm certain private Land Claims in the Territory of New Mexico."* June 11, 1864.

1860, ch. 167. Vol. xii. p. 71.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of the act entitled "An act to confirm certain private land claims in the Territory of New Mexico," approved June twenty-first, eighteen hundred and sixty, be, and the same is hereby, so amended as to enable the heirs of Luis Maria Baca to raise and withdraw the selection and location of one of the square bodies of land confirmed to them by said act, heretofore located by said heirs on the Pecos River, adjoining the Fort Sumner res- Heirs of Luis Maria Baca may relocate certain land in New Mexico.

ervation, and to select and re-locate the same, in the manner provided by said act, at any time before the twenty-first day of June, in the year eighteen hundred and sixty-five, upon any of the public lands, unoccupied and not mineral, within the limits of the Territory of New Mexico, as said limits were known and defined by law on the twenty-first day of June, in the year eighteen hundred and sixty; and upon such selection and re-location, the title to said square body of land, the same being the one fifth part of the private claim confirmed to said heirs as aforesaid, so selected and re-located, shall be, and is hereby, confirmed to the said heirs of the said Luis Maria Baca as fully and perfectly as if the same had been selected and located within three years from and after the approval of the act aforesaid.

Effect of re-location.

Their right to former location to be void.

Sec. 2. *And be it further enacted*, That upon such selection and re-location all right, title, and interest of the said heirs of Luis Maria Baca, of, in, and to the square body of land heretofore selected and located by them on the Pecos River, adjoining the Fort Sumner reservation in New Mexico, is hereby divested and declared null and void, and the same shall revest in the government of the United States.

Approved, June 11, 1864.

June 15, 1864.

Chap. CXXIV. — *An Act making Appropriations for the Support of the Army for the Year ending the thirtieth June, eighteen hundred and sixty-five, and for other Purposes.*

Army appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

Recruiting, &c. For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

Books of tactics, &c. For purchase of books of tactics and instructions for volunteers, fifty thousand dollars.

Contingencies of adjutant-general's department. For contingent expenses of the adjutant-general's department at the headquarters of the several military departments, five thousand dollars.

Copying official reports. For copying official reports of the armies of the United States, for publication, five thousand dollars.

Bounties for enlistments; For bounties and premiums for the *enticment* [enlistment] of recruits for the regular army, three hundred and fifty thousand dollars.

for volunteers and drafted men. For the pay of advance bounties to volunteers and drafted men, five million dollars.

Collecting, drilling, &c., volunteers. For pay of premiums, rent of buildings and grounds, transportation, subsistence, lodging, commutation of fuel and quarters, straw, postage, stationery, advertising, medicines, and medical attendance, and all other necessary expenses incidental to the collecting, drilling, and organizing volunteers, and for the necessary expenses under the enrolment act, five million dollars.

Pay. For pay of the army, nine million nine hundred and seventy-one thousand two hundred and forty-three dollars and sixty cents.

Commutation. For commutation of officers' subsistence, one million seven hundred and twenty-three thousand six hundred and twenty-nine dollars and fifty cents.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

Pay in lieu of clothing. For payments in lieu of clothing for officers' servants, eighty-two thousand eight hundred and twenty dollars.

For payments to discharged soldiers for clothing not drawn, one hundred and fifty thousand dollars.

For pay of volunteers, including the bounties authorized by law, one

hundred and seventy-seven million four hundred and sixty-two thousand seven hundred and twenty-eight dollars and twenty-five cents: *Provided*, That if any officer in the regular or volunteer forces shall employ a soldier as a servant, such officer shall not be entitled to any pay or allowances for a servant or servants, but shall be subject to the deduction from his pay required by the third section of the act entitled "An act to define the pay and emoluments of certain officers of the army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two: *And provided, further*, That the second section of the act entitled "An act giving further compensation to the captains and subalterns of the army of the United States in certain cases," allowing ten dollars additional per month to any officer in actual command of a company, as compensation for his duties and responsibilities with respect to the clothing, arms, and accoutrements of the company, shall be construed to apply only to company officers in actual command as aforesaid.

Pay of volunteers.

Officers using soldiers as servants not entitled to allowances.

1862, ch. 200. § 3. Vol. xii. p. 594.

Construction of former act. 1827, ch. 42, § 2. Vol. iv. p. 227.

For subsistence in kind for regulars, volunteers, and drafted men, ninety-one million four hundred and twenty-five thousand four hundred and twenty-six dollars and thirty cents.

Subsistence in kind

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen for the quartermaster's department, at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermasters' departments; and for the printing of division and department orders and reports, sixty million dollars.

Quartermaster's department.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packages received and sent by officers of the army on public service; expenses of courts-martial, military commissions, and courts of inquiry, including the additional compensation of judge-advocates, recorders, members, and witnesses, while on that service; under the act of March sixteenth, eighteen hundred and two, extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August *fouth* [fourth,] eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at other posts and places when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the army; compensation of clerks to officers of the quartermaster's department; compensation of forage and wagon-masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of travelling forges, blacksmiths' and shoeing tools, horses and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons,

Incidental expenses of quartermaster's department.

1802, ch. 9, §§ 21, 22. Vol. ii. p. 136.

1819, ch. 45. Vol. iii. p. 488. 1854, ch. 247, § 6. Vol. x. p. 576.

1838, ch. 162, § 10. Vol. v. p. 257.

medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other department, thirteen million dollars.

Cavalry, &c., horses. For the purchase of cavalry and artillery horses, twenty-one million dollars.

Mileage. For mileage, or the allowances made to officers of the army for the transportation of themselves and their baggage, when travelling on duty without troops, escorts, or supplies, seven hundred thousand dollars.

Transportation. For transportation of the army, including the baggage of the troops when moving, either by land or water; of clothing, camp and garrison equipage, from the depots at Philadelphia, Cincinnati, and New York to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, forty million dollars.

Quarters. For hire or commutation of quarters for officers on military duty; hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments; for the construction of temporary huts, hospitals, and stables, and for repairing public buildings at established posts, five million dollars.

Stoves. For heating and cooking-stoves, one hundred thousand dollars.

Telegraph. For constructing and extending the telegraph, for military purposes, and for expenses in operating the same, two hundred and seventy-five thousand dollars.

Prisoners of war. For supplies, transportation, and care of prisoners of war, nine hundred thousand dollars.

Steam-rams. For purchasing, constructing, and maintenance of steam-rams, two hundred and seventy-five thousand dollars.

Clothing and camp equipage. For clothing for the army, camp and garrison equipage, and for expenses of offices and arsenals, fifty-eight million dollars.

Contingencies. For contingencies of the army, four hundred thousand dollars.

Medicines, &c. For medicines, instruments, and dressings, two million seven hundred and fifteen thousand dollars.

Hospital stores. For hospital stores, bedding, and so forth, three million five hundred and eighty-seven thousand eight hundred and fifty-two dollars.

For hospital furniture and field equipments, six hundred and eighteen thousand dollars.

Books, stationery, &c. For books, stationery, and printing, one hundred and twenty thousand dollars.

Ice and comforts. For ice, fruits, and other comforts, three hundred thousand dollars.

Hospital clothing. For hospital clothing, seven hundred and fifty thousand dollars.

Citizen nurses. For citizen nurses, two hundred and ten thousand dollars.

Private hospitals. For care of sick soldiers in private hospitals, thirty-one thousand two hundred dollars.

Artificial limbs. For artificial limbs for soldiers and seamen, forty-five thousand dollars.

For citizen physicians, and medicines furnished by them, four hundred and five thousand dollars. Citizen physicians, &c.

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

For examining and recording meteorological observations taken at the military posts of the United States army, seven hundred and fifty dollars. Meteorological observations.

For army medical museum, five thousand dollars. Medical museum.

For contingent expenses of the medical department, forty-seven thousand eight hundred and thirty-eight dollars. Contingencies.

For laboratory for testing and rearranging medicines and hospital supplies, five thousand dollars. Laboratory.

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

For expenses of the commanding general's office, ten thousand dollars. Commanding general's office.

For the secret service, one hundred thousand dollars. Secret service.

For armament of fortifications, two million dollars. Armament of fortifications.

For the current expenses of the ordnance service, five hundred thousand dollars.

For ordnance, ordnance stores, and supplies, including the purchase and manufacture of arms, accoutrements, and horse equipments for volunteers and regulars, twenty million dollars. Ordnance and stores.

For the manufacture of arms at the national armory, two million five hundred thousand dollars. Manufacture of arms.

For repairs, improvements, and new machinery at the national armory, one hundred thousand dollars. Repairs, &c., at armory.

For the purchase of gunpowder and lead, two million dollars. Gunpowder and lead.

For repairs and improvements at arsenals, including new and additions to present buildings, and machinery, tools, and fixtures, two million dollars. Arsenals.

For the signal service of the army, one hundred thousand dollars. Signal service.

For compensation of two clerks in the signal-office, two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That all persons of color who have been or may be mustered into the military service of the United States shall receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay and emoluments, other than bounty, as other soldiers of the regular or volunteer forces of the United States of like arm of the service, from and after the first day of January, eighteen hundred and sixty-four; and that every person of color who shall hereafter be mustered into the service shall receive such sums in bounty as the President shall order in the different states and parts of the United States, not exceeding one hundred dollars. Pay, rations, &c., of persons of color mustered into the military service.

SEC. 3. *And be it further enacted*, That all persons enlisted and mustered into service as volunteers under the call, dated October seventeen, eighteen hundred and sixty-three, for three hundred thousand volunteers, who were at the time of enlistment actually enrolled and subject to draft in the state in which they volunteered, shall receive from the United States the same amount of bounty without regard to color. Bounties to be paid to certain volunteers without regard to color.

SEC. 4. *And be it further enacted*, That all persons of color who were free on the nineteenth day of April, eighteen hundred and sixty-one, and who have been enlisted and mustered into the military service of the United States, shall, from the time of their enlistment, be entitled to receive the pay, bounty, and clothing allowed to such persons by the laws existing at the time of their enlistment. And the Attorney-General of the United States is hereby authorized to determine any question of law arising under this provision. And if the Attorney-General aforesaid shall determine that any of such enlisted persons are entitled to receive any pay, bounty, or clothing, in addition to what they have already received, the Secretary of War shall make all necessary regulations to Pay, bounties, &c., of colored soldiers. Attorney-General to determine, &c.

enable the pay department to make payment in accordance with such determination.

Enlistments into the regular army may be for three years.

SEC. 5. *And be it further enacted*, That all enlistments hereafter made in the regular army of the United States, during the continuance of the present rebellion, may be for the term of three years.

APPROVED, June 15, 1864.

June 15, 1864.

CHAP. CXXV.—*An Act to incorporate the Home for Friendless Women and Children.*

Home for the relief of friendless women and children incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary T. Hay, Eliza M. Morris, Jane F. James, Eliza Wade Fitzgerald, Georgiana F. Speaks, Emily B. Ruggles, Indiana Plant, Mary Grayham, Maria Virginia Brown, and their associates and successors, are hereby created a body corporate and politic, with a common seal, the right of succession, with ability to sue and liability to be sued as a natural person, and the said corporation shall be known by the name of "The Home for the Relief of Friendless Women and Children."

Objects and powers of corporation.

The business of said corporation shall be the establishment, in the city of Washington, or at a convenient and eligible point not exceeding in distance seven miles from the city, of an institution where provision can be made by public charity for the care and relief of friendless and deserving females, and for the care and maintenance of young orphan or destitute children, male or female, who may be or are likely to become a charge upon public charity. And said corporation shall possess and enjoy all the powers essential and proper for the carrying out of the purposes of its creation.

Real and personal estate.

SEC. 2. *And be it further enacted*, That said corporation may receive, take, and hold, by purchase, gift, or devise, any real or personal estate, for the purposes contemplated in this act: *Provided, however*, That the nett annual income of their real estate shall not exceed thirty thousand dollars.

First board of managers.

SEC. 3. *And be it further enacted*, That Mary T. Hay, Eliza M. Morris, Eliza Wade Fitzgerald, Georgiana Speaks, Emily B. Ruggles, Indiana Plant, Jane F. James, Mary Grayham, Maria Virginia Brown, shall constitute the board of managers until the first Monday of May, A. D. eighteen hundred and sixty-five, and until their successors shall be chosen or elected as herein provided.

Meeting of members of association.

A meeting of the members of the association shall be held on the first Monday of May, eighteen hundred and sixty-five, at some convenient hour and place, in the city of Washington, of which two weeks' public notice shall be given by the board of managers, in two daily newspapers published in the city of Washington; and at such meeting the members of the association who shall be present shall proceed to elect a board of managers in the places of those hereby designated or authorized; and any manager may be reëlected from time to time. Each member, at such meeting, shall be entitled to one vote.

Annual meeting.

An annual meeting of the associates or corporators shall, in like manner and upon like notice, be held on the first Monday of May, in each year after eighteen hundred and sixty-five, for the election of managers for the ensuing year; but if, in any case, the said meeting shall, for any reason, fail to be held on the day herein designated, the same may, upon the notice above provided, be held on any other day within three months thereafter; and the managers then elected shall hold their offices until the first Monday of May next ensuing, and until their successors shall be chosen, as aforesaid.

Term of office of managers.

Vacancies.

The said board of managers shall have power to fill any vacancies occurring therein between the regular elections above provided in this act, and a majority of said board shall form a quorum for the transaction of business.

Management of the Home.

SEC. 4. *And be it further enacted*, That the board of managers shall have power to appoint such agents, matrons, assistants, and teachers, and to employ such domestics and servants, as shall be deemed necessary, and

to make all needful and proper regulations for their respective, general, or specific duties, as well as for the government, direction, and control of all persons who may at any time become inmates of the "Home" authorized by this act, and may prescribe for the children and youth committed to their care such rules of discipline as shall be deemed by them necessary.

Children in the charge of this association may be bound out,

SEC. 5. *And be it further enacted*, That whenever any child who, from the neglect or inability of its parents or guardian to support it, shall become a charge upon public charity, and shall be surrendered to the charge of the association, pursuant to the provisions of this act, by such parent or by its guardian, or by the overseer or superintendent of the poor of said city of Washington, or other officer having the charge of the poor, or whenever any destitute and dependant orphan shall be surrendered to such institution, in the manner herein provided, by an instrument in writing, duly signed by such parent, guardian, or public officer, the said board of managers may, in their discretion, place such child to service with some proper person under articles of indenture, to be executed in due form of law, with such provisions for maintenance and education as shall be approved by one of the judges of the supreme court of the District of Columbia; and the said board of managers are hereby authorized to permit the adoption of any such child by any respectable and proper person who, under provisions to be approved as aforesaid, shall undertake the maintenance, care, and proper education of such destitute or orphan child.

or adopted.

Mother may be guardian, when, &c.

SEC. 6. *And be it further enacted*, That in case of the death or legal incapacity of the father of any dependent child, or of the imprisonment of such father for crime, or of his abandoning or neglecting to provide for his family, the mother, if residing in the District of Columbia, shall be deemed the legal guardian of her children for the purposes of this act, and shall have power to make the surrender aforesaid. But in case the mother also be dead, or a non-resident of said district, or legally incapable of acting in the premises, or be imprisoned for crime, or neglect to provide for such child, and in case there be no guardian or other person legally bound to support such child, or qualified to make the surrender aforesaid, then, and in any such case, the superintendent of the poor, or the mayor of Washington, or other public officer having charge of the poor, shall, for the purposes of this act, be required, as ex-officio guardian of such child, and may make, as such, the surrender of such child to the said corporation by the instrument in writing aforesaid, which surrender shall, in all respects, be as valid and effectual as if made by the father or parent of such child: *Provided*, That no surrender of any such child shall be made under the provisions of this section, unless such surrender shall, on examination, be approved by one of the judges of the supreme court of said district.

Who else may be guardian.

Binding out of child to be approved by a judge.

Officers of the association.

SEC. 7. *And be it further enacted*, That the board of managers may elect from their own number a president, vice-president, and secretary; and they may further elect a treasurer. They may, in their discretion, appoint an executive committee, consisting of five members of their board, who may, under the general direction of the board, take charge of the affairs of the corporation during any recess of the board.

Report to congress.

SEC. 8. *And be it further enacted*, That the treasurer of said corporation shall at any time upon the call of congress report a full and perfect statement of the affairs of such corporation, the location, value, and income of all real estate owned by it, the amount of its receipts, expenditures, investments, and personal estate, and all other information which congress may require.

Act may be repealed.

SEC. 9. *And be it further enacted*, That congress may at any time alter, amend, or repeal this act.

When act takes effect.

SEC. 10. *And be it further enacted*, That this act shall take effect immediately.

APPROVED, June 15, 1864.

June 15, 1864.

CHAP. CXXVI. — *An Act concerning certain School Lands in Township forty-five North, Range seven East, in the State of Missouri.*

Certain school lands granted to Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to all of the lots, tracts, pieces, and parcels of land within the Grand Prairie common field, in township forty-five north of the base line, in range seven east of the fifth principal meridian line in the State of Missouri, which have not heretofore been disposed of by the United States, shall be, and the same are hereby, granted, relinquished, and conveyed by the United States, in fee simple and in full property, to the State of Missouri, for the support of schools in said township: *Provided*, That nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any adverse right, title, or interest of any person or persons in or to any portion or part of the aforesaid lots, tracts, pieces, or parcels of land which are granted, relinquished, or conveyed by this act.

Adverse rights not affected.

APPROVED, June 15, 1864.

June 17, 1864.

CHAP. CXXVII. — *An Act to prohibit certain Sales of Gold and Foreign Exchange.*

Certain contracts for the purchase, &c., of gold coin and bullion and foreign exchange made unlawful.

[Repealed, 1864, ch. 209. *Post*, p. 344.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to make any contract for the purchase or sale and delivery of any gold coin or bullion to be delivered on any day subsequent to the day of making such contract, or for the payment of any sum, either fixed or contingent, in default of the delivery of any gold coin or bullion, or to make such contract upon any other terms than the actual delivery of such gold coin or bullion, and the payment in full of the agreed price thereof, on the day on which such contract is made, in United States notes or national currency, and not otherwise; or to make any contract for the purchase or sale and delivery of any foreign exchange to be delivered at any time beyond ten days subsequent to the making of such contract; or for the payment of any sum, either fixed or contingent, in default of the delivery of any foreign exchange, or upon any other terms than the actual delivery of such foreign exchange within ten days from the making of such contract, and the immediate payment in full of the agreed price thereof on the day of delivery in United States notes or national currency; or to make any contract whatever for the sale and delivery of any gold coin or bullion of which the person making such contract shall not, at the time of making the same, be in actual possession. And it shall be unlawful to make any loan of money or currency not being in coin to be repaid in coin or bullion, or to make any loan of coin or bullion to be repaid in money or currency other than coin.

Certain loans made unlawful.

Contracts for purchase of gold, &c., to be made only at the ordinary place of business, &c.

SEC. 2. *And be it further enacted*, That it shall be further unlawful for any banker, broker, or other person, to make any purchase or sale of any gold coin or bullion, or of any foreign exchange, or any contract for any such purchase or sale, at any other place than the ordinary place of business of either the seller or purchaser, owned or hired, and occupied by him individually, or by a partnership of which he is a member.

Void contracts.

SEC. 3. *And be it further enacted*, That all contracts made in violation of this act shall be absolutely void.

Penalty for violations of this act to be fine or imprisonment.

SEC. 4. *And be it further enacted*, That any person who shall violate any provisions of this act shall be held guilty of a misdemeanor, and, on conviction thereof, be fined in any sum not less than one thousand dollars, nor more than ten thousand dollars, or be imprisoned for a period not less than three months, nor longer than one year, or both, at the discretion of the court, and shall likewise be subject to a penalty of one thousand dollars for each offence.

SEC. 5. *And be it further enacted*, That the penalties imposed by the

fourth section of this act may be recovered in an action at law in any court of record of the United States, or any court of competent jurisdiction, which action may be brought in the name of the United States by any person who will sue for said penalty, one half for the use of the United States, and the other half for the use of the person bringing such action. And the recovery and satisfaction of a judgment in any such action shall be a bar to the imposition of any fine for the same offence in any prosecution instituted subsequent to the recovery of such judgment, but shall not be a bar to the infliction of punishment by imprisonment, as provided by said fourth section.

Penalties, how may be recovered.

Half of money to go to person bringing the suit.

Judgment, &c., not to be bar of imprisonment.

SEC. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

APPROVED, June 17, 1864.

CHAP. CXXVIII.—*An Act to amend an Act entitled "An Act to extend the Time for the Withdrawal of Goods from Public Stores and Bonded Warehouses, and for other Purposes," approved twenty-ninth February, eighteen hundred and sixty-four.*

June 17, 1864.

1864, ch. 15. *Ante*, p. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise, in public stores or bonded warehouses, on which the duties are unpaid, and which shall have been in bond for more than one year and less than three years, may be entered for consumption and the bonds cancelled at any time before the first day of September next, on payment of duties and charges according to the laws in force at the time the goods shall be withdrawn.

Certain goods, &c., in public stores, &c.

When and how may be entered.

APPROVED, June 17, 1864.

CHAP. CXXIX.—*An Act to amend an Act entitled "An Act to authorize the Corporation of Georgetown, in the District of Columbia, to lay and collect a Water Tax, and for other Purposes," approved May twenty-one, eighteen hundred and sixty-two.*

June 17, 1864.

1862, ch. 82. Vol. xii. p. 405.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which an original town lot in Georgetown, in the District of Columbia, entirely owned by the same person or persons, or any subdivision of an original lot separately owned, as aforesaid, shall be situated at the intersection of two streets, so as to bind or front on both, and in which both fronts would be liable to the front-foot tax authorized by the act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water-tax, and for other purposes," approved May twenty-one, eighteen hundred and sixty-two, the said front-foot tax shall not be levied upon more than seventy-five feet of the two fronts of said lot or part of lot; and all beyond said number of feet shall be exempt therefrom: *Provided*, That, for the purpose of avoiding inequality and hardship in laying said tax, it shall be lawful for the said corporation of Georgetown, in such cases, to make such further exemptions from said front-foot tax, either by general laws or in individual cases, as to them may seem just and proper.

Front-foot water-tax on certain lots in Georgetown.

Further provisions.

SEC. 2. *And be it further enacted*, That it shall be lawful for said corporation of Georgetown, in their discretion, instead of the front-foot tax aforesaid, to lay and collect annually a general special tax not to exceed one fifth of one per cent. per annum on all the assessable property in said town, for the purpose of defraying the cost of distributing water through said town from the mains or pipes of the Washington aqueduct, which tax shall be exclusively appropriated to said object, shall be collected in the same manner as the general tax of said town, and shall cease whenever the cost of said distribution shall have been fully paid: *Provided*, That all persons liable to pay said tax shall be credited on account of the same with all sums heretofore paid by them on account of said front-foot tax, levied in pursuance of the act to which this is an amendment.

Instead of front-foot tax, a general special tax may be laid, &c.

Proviso.

Act of 1862, ch. 82, § 3, repealed.

Sec. 3. *And be it further enacted*, That the third section of the act aforesaid be, and the same is hereby, repealed.

Approved, June 17, 1864.

June 17, 1864.

Chap. CXXX. — *An Act to regulate the Foreign Coasting Trade on the Northern, Northeastern, and Northwestern Frontiers of the United States, and for other Purposes.*

Vessels navigating the waters on northern, &c., frontiers to be enrolled and licensed.

Effect thereof.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any boat, sloop, or other vessel of the United States, navigating the waters on our northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; which enrolment and license shall authorize any such boat, sloop, or other vessel to be employed either in the coasting or foreign trade on said frontiers; and no certificate of register shall be required for vessels so employed on said frontiers: *Provided*, That such boat, sloop, or vessel shall be, in every other respect, liable to the rules, regulations, and penalties now in force relating to registered and licensed vessels.

Compensation of certain collectors of customs. 1831, ch. 98, § 4. Vol. iv. p. 487.

Sec. 2. *And be it further enacted*, That in lieu of the compensation provided by the fourth section of the act of March second, eighteen hundred and thirty-one, entitled "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," each of the several collectors of customs in the following districts on the said frontiers, to wit: Pembina, Chicago, Milwaukie, Sault Sainte Marie, Detroit, Miami, Sandusky, Cuyahoga, Presque Isle, (hereafter to be called Erie,) Dunkirk, Buffalo, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, and Vermont, shall receive an annual compensation of one thousand dollars, and, in addition thereto, the fees now collected under the general regulations of the treasury department of February, eighteen hundred and fifty-seven, and a commission of three per centum on all moneys collected and accounted for by them respectively: *Provided*, That the aggregate compensation derived from salary, fees, and commissions, shall not in any case exceed the sum of twenty-five hundred dollars per annum, subject to the provisions of the act entitled "An act relative to collectors and other officers of the customs," approved February eleventh, eighteen hundred and forty-six. And whenever the aggregate of salary, fees, and commissions shall in any case exceed the said sum of twenty-five hundred dollars, after deducting the necessary expenses incident to the said office, for and during the same period for which said compensation is allowed, the excess shall, in every such case, be paid into the treasury of the United States. The fees and emoluments of all kinds to be accounted for as provided by the twelfth section of the act of the seventh of May, eighteen hundred and twenty-two.

Not to exceed a certain sum. 1846, ch. 7. Vol. ix. p. 3.

Fees, &c., how to be accounted for. 1822, ch. 107, § 12. Vol. iii. p. 695.

What fees may be charged.

Sec. 3. *And be it further enacted*, That the collectors and other officers of customs on the said frontiers shall be authorized to charge and collect the same fees as are now allowed by law to be charged and collected by the collectors and other officers of customs.

Certain territory, waters, &c., added to the Milwaukie district.

Sec. 4. *And be it further enacted*, That all the territory, harbors, and waters on the eastern shore of the State of Wisconsin, bordering on Lake Michigan, heretofore embraced in the district of Michilimackinac, and lying within the limits of the State of Wisconsin, shall be, and the same are hereby, attached to and made part of the collection district of Milwaukie, in the State of Wisconsin.

Bonds of collectors, naval officers, &c., how approved and kept.

Sec. 5. *And be it further enacted*, That all bonds given by collectors of customs, naval officers, surveyors, and by all officers of the customs throughout the United States, shall be approved by the commissioner of customs, in whose office they are now required to be filed.

When act takes effect.

SEC. 6. *And be it further enacted*, That this act shall take effect from and after the thirtieth June, eighteen hundred and sixty-four.

Repeal of act of 1831, ch. 98, and of inconsistent acts.

SEC. 7. *And be it further enacted*, That the act entitled "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved second March, eighteen hundred and thirty-one, and all other acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

APPROVED, June 17, 1864.

CHAP. CXXXI. — *An Act to regulate the Veto Power in the Territory of Washington.* June 17, 1864.

Veto power of the governor of Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every bill which shall have passed the legislative assembly of Washington Territory shall, before it become a law, be presented to the governor. If he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly by their adjournment prevent its return, in which case it shall not be a law.

APPROVED, June 17, 1864.

CHAP. CXXXII. — *An Act to empower the Superannuated Fund Society of the Maryland Annual Conference to hold Property in the District of Columbia and to take a Devise under the Will of the late William Doughty.* June 17, 1864.

The Superannuated Fund Society may hold, &c., certain property in the District of Columbia.

WHEREAS a certain William Doughty, of Georgetown, in the District of Columbia, by his last will, bearing date on the twenty-ninth day of April, eighteen hundred and fifty-nine, duly admitted to probate, devised and bequeathed certain real and personal property and estate — part thereof to take effect at his death, and the residue at the death or marriage of his widow — to a society incorporated by act of the general assembly of Maryland, by the name of "The Superannuated Fund Society of the Maryland Annual Conference," and called in said will The Superannuated Fund Society of the Methodist Protestant Church for the District of Maryland; and whereas it has been questioned whether the said corporation can lawfully take and hold the said property, in virtue of said last will, without the leave and assent of congress: Therefore —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of congress is hereby given to all and every the aforementioned devises and bequests unto "The Superannuated Fund Society of the Maryland Annual Conference" aforesaid; and the said society and body corporate is hereby fully authorized and empowered to take and hold the said property and estate devised and bequeathed to it as aforesaid, agreeably to the tenor and provisions of the said last will, and to dispose of and enjoy the same to every intent and effect as if the said society had been originally incorporated by act of congress.

Property, real and personal, to

SEC. 2. *And be it further enacted*, That the said corporation is hereby empowered to hold real and personal property located in the District

yield an income of not over $20,000.

of Columbia acquired, or that shall be acquired by gift, purchase, devise, or bequest, and the same enjoy, rent, lease, or convey, at pleasure, as freely as any person or body corporate can do: *Provided*, That the net yearly income thereof shall not exceed twenty thousand dollars.

When act takes effect.

SEC. 3. *And be it further enacted*, That this act shall take effect from the day of its passage.

APPROVED, June 17, 1864.

June 17, 1864.

CHAP. CXXXIII. — *An Act to grant the Right of Preëmption to certain Settlers on the Rancho Bolsa de Tomales, in the State of California.*

Lines of public surveys to be extended over the Rancho Bolsa de Tomales, in Marin County, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for the commissioner of the general land office to cause the lines of the public surveys to be extended over the tract of country known as the Rancho Bolsa de Tomales, in Marin County, California, the claim to which, by James D. Galbraith, has been adjudged invalid by the supreme court of the United States, and to have approved plats thereof duly returned to the proper district land office: *Provided*, That the actual cost of such survey and platting shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of congress approved thirtieth of May, eighteen hundred and sixty-two, "to reduce the expenses of the survey and sale of the public lands in the United States."

Actual cost to be paid.

1862, ch. 86, § 10. Vol. xii. p. 410.

Settlers may enter their lands after the survey.

SEC. 2. *And be it further enacted*, That after the return of such approved plats to the district office, it may and shall be lawful for individuals, settlers upon the said Rancho Bolsa de Tomales, to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the land settled upon by them to the extent to which the same had been reduced to possession at the time of said adjudication of said supreme court, joint entries being admissible by coterminous proprietors, in order that their respective boundaries may be adjusted in accordance with their several possessions.

Joint entries.

Claims to be presented within what time.

SEC. 3. *And be it further enacted*, That all claims within the purview of this act shall be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the register and receiver, under such instructions as shall be given by the commissioner of the general land office, to whom the proof and adjudication shall be returned by the local land office, and no adjudication shall be final until confirmed by the said commissioner: *Provided*, That the confirmation by said commissioner shall be conclusive and final between coterminous proprietors, and the correctness thereof shall not be open to contestation in any action at law or suit in equity between them or between parties claiming under them by title subsequent: *And provided, further*, That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tracts within the limits of said rancho, the titles to which are not established under this act, shall be dealt with as other public lands, but subject to the adjudicated boundaries of the claims which are presented within the limit of the time prescribed as aforesaid: *Provided*, That no person under the provisions of this act shall be allowed to enter a greater quantity of land than three hundred and twenty acres.

Decision of register, &c., to be confirmed.

Confirmation to be final.

Claims not brought in time, to be barred.

Limit of amount to be entered.

APPROVED, June 17, 1864.

CHAP. CXXXIV. — *An Act extending the Time for the Completion of the Marquette and Ontonagon Railroad, of the State of Michigan.* June 18, 1864.

Pub. Res. No. 43. *Post*, p. 409.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limited for the completion of the Marquette and Ontonagon railroad, of the State of Michigan, be, and the same is hereby, extended for the term of five years beyond the time fixed for its completion by the act of congress of June third, A. D. eighteen hundred and fifty-six, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said state, and for other purposes:" *Provided*, That the State of Michigan shall have the same control over the said grant of lands hereby extended for five years, for the benefit of said railroad, which was given to said state under said original act of congress; and said state may prescribe the time within which the several sections of said road shall be completed.

Time for completing the Marquette and Ontonagon railroad extended.

1856, ch. 44. Vol. xi. p. 21.

Proviso.

APPROVED, June 18, 1864.

CHAP. CXXXV. — *An Act to amend an Act entitled "An Act to enable the People of Colorado to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States."* June 18, 1864.

1864, ch. 37, § 5. *Ante*, p. 34.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fifth section of the act to which this act is an amendment as provides by ordinance for submitting the constitution to the people of said state for their ratification or rejection, at an election to be held on the second Tuesday of October, be so amended as to read, on the second Tuesday in September, and that the election, for the purposes aforesaid, be held on that day, instead of the second Tuesday in October.

Vote upon acceptance, &c., of constitution to be taken on second Tuesday in September.

APPROVED, June 18, 1864.

CHAP. CXXXVI. — *An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-five, and for other Purposes.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five, namely: —

Consular and diplomatic appropriation.

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Italy, Chili, Peru, Portugal, Switzerland, Rome, Belgium, Holland, Denmark, Sweden, Turkey, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, Paraguay, Japan, and Salvador, three hundred and eight thousand five hundred dollars.

Salaries of envoys, ministers, and commissioners;

For salaries of secretaries of legation, thirty thousand dollars.

of secretaries of legation;

For salaries of assistant secretaries of legation at London and Paris, three thousand dollars.

of assistant secretaries;

For salary of the interpreter to the legation to China, five thousand dollars.

of interpreters in China, Turkey, and Japan.

For salary of the secretary of legation to Turkey, acting as interpreter, three thousand dollars.

For salary of the interpreter to the legation to Japan, two thousand five hundred dollars.

For contingent expenses of all the missions abroad, sixty thousand dollars.

Contingent expenses.

For contingent expenses of foreign intercourse, eighty thousand dollars.

Barbary Powers. For expenses of intercourse with the Barbary Powers, three thousand dollars.

Consulates in the Turkish dominions. For expenses of the consulates in the Turkish dominions, namely, interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, Alexandria, and Beirut, two thousand five hundred dollars.

American seamen. For the relief and protection of American seamen in foreign countries, two hundred thousand dollars.

Cemetery at Constantinople. For the contribution of the United States to the completion of a new cemetery at Constantinople, to receive the remains of American citizens transferred from an old burial-place, and also as a place for future interments, eighteen hundred dollars.

Rewards to masters, &c., for rescuing, &c. For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, five thousand dollars.

Blank books, stationery, &c. For the purchase of blank books, stationery, book-cases, arms of the United States, seals, presses, and flags, and for the payment of postages, and miscellaneous expenses of the consuls of the United States, including loss by exchange, sixty thousand dollars.

Office-rent of certain consuls-general, &c. For office-rent for those consuls-general, consuls, and commercial agents who are not allowed to trade, including loss by exchange thereon, fifty thousand dollars.

Salaries of consuls-general and consuls. For salaries of consuls-general, consuls, commercial agents, and thirteen consular clerks, namely: —

I. CONSULATES-GENERAL.

SCHEDULE B.

Consulates-general. Alexandria, Calcutta, Constantinople, Frankfort-on-the-Main, Havana, Montreal, Shanghai; and the consul-general at Alexandria shall have the name and title of agent and consul-general.

III. CONSULATES.

SCHEDULE B.

Consulates. Acapulco, Aix-la-Chapelle, Algiers, Amoy, Amsterdam, Antwerp, Aspinwall, Aux Cayes, Bahia, Barcelona, Bankok, Basle, Belfast, Beirut, Bergen, *Burmuda*, [Bermuda,] Bilbao, Buenos Ayres, Bordeaux, Bremen, Bristol, Brindisi, Boulogne, Cadiz, Callao, Candia, Canton, Cardiff, Chin-Kiang, Clifton, Coaticook, Cork, Curaçoa, Demarara, Dundee, Elsinore, Erie, Foo-Choo, Funchal, Galatz, Gaspé Basin, Geneva, Genoa, Gibraltar, Glasgow, Goderich, Gottenburg, Guaymas, Halifax, Hamburg, Havre, Honolulu, Hong-Kong, Jerusalem, Kanagawa, Kingston, Kingston in Canada, La Rochelle, Laguayra, Lahaina, La Paz, La Union, Leeds, Leghorn, Leipsic, Lisbon, Liverpool, London, Lyons, Macao, Malaga, Malta, Manchester, Manzanillo, Maracaibo, Matanzas, Marseilles, Mauritius, Melbourne, Messina, Moscow, Munich, Nagasaki, Nantes, Naples, Nassau, W. I., Newcastle, Nice, Odessa, Oporto, Palermo, Panama, Paramaribo, Paris, Pernambuco, Pictou, Ponce, Port Mahon, Prescott, Prince Edward Island, Quebec, Revel, Rio de Janeiro, Rotterdam, San Juan del Sur, San Juan, (Porto Rico,) Santander, Santiago de Cuba, Santos, Port Sarnia, Scio, Singapore, Smyrna, Southampton, Stockholm, St. John, N. F., St. John, N. B., St. Lambert and Longueul, St. Petersburg, St. Pierre, (Martinique,) St. Thomas, Stuttgardt, Swatow, St. Helena, Tabasco, Tampico, Tangier, *Tehauntepec*, [Tehuantepec,] Toronto, Trieste, Trinidad de Cuba, Trinidad, Tripoli, Tunis, Turk's Island, Valparaiso, Valencia, Venice, Vera Cruz, Vienna, Windsor, Zurich.

IV. COMMERCIAL AGENCIES.

SCHEDULE B.

Amoor River, Antigua, Balize, (Honduras,) Gaboon, Madagascar, San Juan del Norte, St. Domingo, St. Marc. Commercial agencies.

V. CONSULATES.

SCHEDULE C.

Barbadoes, Batavia, Bay of Islands, Cape Haytien, Cape Town, Carthagena, Ceylon, Cobija, Cyprus, Faulkland Islands, Fayal, Guayaquil, Lanthala, Maranham, Matamoras, Mexico, Montevideo, Omoa, Payta, Para, Paso del Norte, Rio Grande, Sabanilla, St. Catherine, Santa Cruz, W. I., Santiago, (Cape Verde,) Spezzia, Stettin, Tahiti, Talcahuano, Tumbez, Zanzibar. Consulates.

VI. COMMERCIAL AGENCIES.

SCHEDULE C.

Apia, St. Paul de Loando, including loss by exchange thereon, four hundred and seventy-seven thousand five hundred dollars. And the salaries of the consuls at Brindisi, Gibraltar, St. Helena, Boulogne, Zurich, Clifton, Coaticook, Erie, Goderich, Kingston in Canada, Port Sarnia, Prescott, St. Lambert and Longueiul, Toronto and Windsor, shall be fifteen hundred dollars each; and the salaries of the consuls at Ceylon and Piraeus shall be one thousand dollars each; and the salary of the consul at Chin-Kiang shall be three thousand dollars; and the salary of the consul at Bankok shall be two thousand dollars; and the salary of the commercial agent at Madagascar shall be two thousand dollars; and the salary of the consul at Nassau shall be four thousand dollars, to commence after the close of the present fiscal year, and to continue during the present rebellion; and the salary of the consul at Lyons shall be two thousand dollars, to commence after the close of the present fiscal year; and the salary of the consul at Manchester shall be three thousand dollars, to commence after the close of the present fiscal year. Commercial agencies. Salaries of certain consuls: of consul at Ceylon, Piraeus, Chin-Kiang, Bankok, Madagascar, Nassau, Lyons, Manchester.

For interpreters to the consulates in China, including loss by exchange thereon, five thousand eight hundred dollars. Interpreters to consulates in China.

For expenses incurred, under instructions from the Secretary of State, in bringing home from foreign countries persons charged with crime, and expenses incident thereto, ten thousand dollars. Bringing home persons charged with crime.

For salaries of the marshals for the consular courts in Japan, China, Siam, and Turkey, including loss by exchange thereon, nine thousand dollars. Marshals of consular courts.

For rent of prisons for American convicts in Japan, China, Siam, and Turkey, and for wages of the keepers of the same, nine thousand dollars. Prisons for American convicts.

For salaries of commissioners and consuls-general to Hayti and Liberia, eleven thousand five hundred dollars. Commissioners, &c., to Hayti and Liberia.

For expenses under the act of congress to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave-trade, seventeen thousand dollars. Suppression of African slave-trade. 1862, ch. 140. Vol. xii., p. 531.

SEC. 2. *And be it further enacted*, That the President be, and is hereby, authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars per annum, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct; and before the appointment of any such President may appoint consular clerks. Age and pay. Duties.

Consular clerks. Examination.

clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed shall be removed from office except for cause stated in writing, which shall be submitted to congress at the session first following such removal.

Not to be removed except for cause.

Repeal of § 3 of act of 1859, ch. 75. Vol. xi. p. 404.

SEC. 3. *And be it further enacted*, That the third section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty," approved March third, eighteen hundred and fifty-nine, is hereby repealed. And the fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar, and the same fee shall be charged for certifying the growth or production of goods made duty free by the reciprocity treaty: *Provided, however*, That no such certificate of growth or production shall be required for goods not exceeding in value the sum of two hundred dollars.

Fees of consul-general for British N. A. provinces, and subordinates, for certifying invoices, &c.

Certificate of growth not required in certain cases.

Office of commercial agent at Hakodadi may be changed to that of consul. 1856, ch. 127. Vol. xi. p. 52.

SEC. 4. *And be it further enacted*, That the office of commercial agent at Hakodadi, Japan, may, at the discretion of the Secretary of State, be changed to that of consul, to be classed with consuls other than those named in schedule B and C in the act approved August eighteen, eighteen hundred and fifty-six.

APPROVED, June 20, 1864.

June 20, 1864.

CHAP. CXXXVII. — *An Act granting Lands to the State of Michigan for the Construction of certain Wagon-Roads for Military and Postal Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Michigan, for the construction of a wagon-road for military and postal purposes, from Saginaw City, in said state, by the shortest and most feasible route to the Straits of Mackinaw, every alternate or odd section of public land not mineral, for three miles in width on each side of said road to the extent of three sections to the mile. Also for a road from Grand Rapids, in said state, through Newaygo, Traverse City, and Little Traverse, to the Straits of Mackinaw, every alternate or odd section of public land, not mineral, for three sections in width on each side of said road to the extent of three sections to the mile. And it is hereby provided that in case it shall appear that the United States shall have (when the lines or routes of said roads are definitely established) sold or reserved any sections or parts of sections, granted as aforesaid, or that the rights of preëmption or homestead have attached to the same, so as to leave a deficiency in the amount to be selected within the limits designated, then it shall be the duty of the Secretary of the Interior to select such lands from the odd sections, or parts of sections, nearest to the three-mile limits aforesaid, such quantity as shall be necessary to make up the deficiency thus created: *Provided, further*, That the lands hereby granted shall be exclusively reserved, held, and applied in the construction of said roads, and shall be appropriated and disposed of only as the work progresses, in quantities and under such regulations and restrictions as the state shall provide; and in no event shall they be appropriated or disposed of for any other purpose whatsoever.

Lands granted to Michigan for wagon-road from Saginaw to the Straits of Mackinaw; from Grand Rapids to Straits of Mackinaw.

If any lands granted are reserved, others to be given in lieu thereof.

Lands, how to be applied and disposed of.

SEC. 2. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for any public work, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be necessary

Lands heretofore reserved, excepted from the operation of this act.

to locate the routes of said roads through such reserved lands; in which case the rights of way shall be, and are hereby, granted, subject to the approval of the President of the United States.

Rights of way granted.

SEC. 3. *And be it further enacted*, That said roads shall be located, surveyed, and constructed, under the direction of such agents or commissioners as the governor may appoint, and shall be chopped out a uniform width of at least six rods. The road-bed proper to be not less than thirty-two feet wide, and constructed with ample ditches on both sides, so as to afford sufficient drains, with good and substantial bridges and proper culverts and sluices where necessary. All stumps and roots to be thoroughly grubbed out between the ditches the entire length of said road, the central portion of which to be sufficiently raised to afford a dry road-bed by means of drainage from the centre to the side ditches; the hills to be levelled and valleys raised so as to make as easy a grade as practicable.

Wagon-roads, how located and constructed.

SEC. 4. *And be it further enacted*, That when the governor of the State of Michigan shall furnish the Secretary of the Interior with maps and charts showing the definite location of the line of each of said roads, it shall be his duty to have the land granted to each of said roads withheld from market, and reserved exclusively for the purposes aforesaid. And when the said governor shall certify to the Secretary of the Interior that any ten consecutive miles of either of said roads have been completed under the provisions of this act, and in accordance with the third section thereof, stating definitely where said completed section of road commences and where it terminates, it shall be the duty of the said secretary to cause patents to issue to said state for three sections of land for each mile of road thus completed, as aforesaid, and so on until the whole of said roads is completed: *Provided*, That no patents shall be given for any of the aforesaid lands before the completion of ten consecutive miles of road, or for any road, or for any part of any road, made before the passage of this act, or for any greater quantity than thirty sections for each ten miles completed according to the provisions of this act. Nothing in this proviso, however, shall be construed so as to prevent the application of so much of the said three sections per mile as may be necessary to finish any part of said roads partly made before the passage of this act.

Land granted, when to be withheld from market.

Patents for granted lands, when to issue.

Proviso.

SEC. 5. *And be it further enacted*, That this grant is made upon the express conditions that the roads shall be and remain public highways, free from all toll and other charges; and that if any portion of said roads shall remain uncompleted for a period of more than five years from the approval of this act by the President, the lands granted for such portion shall revert to the United States.

Express conditions of grant.

Roads to be public highways, and be completed in five years.

APPROVED, June 20, 1864.

CHAP. CXXXVIII. — *An Act to amend an Act entitled "An Act to provide for the Payment of the Claims of Peruvian Citizens, under the Convention between the United States and Peru of the twelfth of January, eighteen hundred and sixty-three," approved June first, eighteen hundred and sixty-four.*

June 20, 1864.

1864, ch. 101. *Ante*, p. 95.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled An act to provide for the payment of the claims of Peruvian citizens, under the convention between the United States and, Peru of the twelfth of January, eighteen hundred and sixty-three, approved June first, eighteen hundred and sixty-four, be amended as follows: after the word January strike out the word last, and insert in lieu thereof the words eighteen hundred and sixty-three, and said law be, and is hereby, further amended so as to authorize the Secretary of State to pay to each of the persons mentioned in said act the interest that may be found due in accordance

Amendment of act providing for the payment of claims of Peruvian citizens.

with the terms of the settlement of said claims, and the sum necessary for such payment is hereby appropriated out of any money in the treasury not otherwise appropriated.

Appropriation.

Approved, June 20, 1864.

June 20, 1864.

Chap. CXXXIX. — *An Act requiring Proof of Payment of Duties on foreign Salt before Payment of the Allowances provided for by the Acts of July twenty-ninth, eighteen hundred and thirteen, and March third, eighteen hundred and nineteen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the allowance of bounty to certain vessels employed in the bank and other cod fisheries, as provided for in the act of July twenty-ninth, eighteen hundred and thirteen, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," and the act of March third, eighteen hundred and nineteen, amendatory thereof, shall not hereafter be paid to any such vessel until satisfactory proof shall have been furnished to the collector of customs charged with the payment of such bounty, that the import duty imposed by law on foreign salt imported into the United States has been duly paid on all foreign salt used in curing the fish on which the claim to the allowance of bounty is based.

Fishing bounties not to be paid until proof that the import duty on foreign salt used in curing them has been paid.
1813, ch. 35. Vol. iii. p. 49.
1819, ch. 89. Vol. iii. p. 520.

Approved, June 20, 1864.

June 20, 1864.

Chap. CXL. — *An Act to authorize the Secretary of the Treasury to sell the Marine Hospital and Grounds at Chicago, Illinois, and to purchase a new Site and build a new Hospital.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized, in his discretion, to sell the marine hospital and grounds at Chicago, Illinois, the sale to be made at public auction to the highest and best bidder therefor, in ready money, after giving notice thereof six weeks in succession in two daily papers printed in the city of Chicago. And upon sale being made, as aforesaid, the said Secretary of the Treasury is hereby authorized and empowered to make, execute, and deliver to the purchaser thereof a good and sufficient deed for the premises, conveying all the right, title, and interest of the United States.

Marine hospital and grounds at Chicago may be sold.

Title to be given.

Sec. 2. *And be it further enacted*, That out of the proceeds of the said sale the Secretary of the Treasury is hereby directed to purchase a new and more eligible site for a marine hospital in or near Chicago, and erect a new hospital thereon, which site and building shall in no event cost more than the amount received from the sale of the hospital and grounds which are hereby authorized to be sold; and it is hereby provided that the possession of the said hospital and grounds shall be retained by the United States until the new hospital to be built under the provisions of this act shall be fully completed and ready for use.

Proceeds to be applied to purchase better site for a marine hospital.

Possession of present hospital to be retained until, &c.

Approved, June 20, 1864.

June 20, 1864.

1863, ch. 117. Vol. xii. p. 808.

Chap. CXLI. — *An Act to amend an Act entitled "An Act to provide a temporary Government for the Territory of Idaho," approved March third, eighteen hundred and sixty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor of the Territory of Idaho be, and he is hereby, authorized to reapportion said territory for the election of members of the council and house of representatives of the legislative assembly: *Provided*, That said apportionment shall be based on an enumeration of the inhabitants and qualified voters

Governor may reapportion the Territory of Idaho for members of legislative assembly.

of the several counties and districts of the territory, to be taken by such persons and in such mode as the governor shall designate and appoint, and the persons so appointed shall receive a reasonable compensation therefor, to be paid out of the territorial treasury: *Provided, further*, That this act shall not be construed to divest any member of the council elected at the first election in said territory, of any rights he may have acquired by virtue of said election, who was elected from any county or district within the present limits of the Territory of Idaho.

Basis of apportionment.

Rights of members elect not impaired.

SEC. 2. *And be it further enacted*, That the annual election in said territory for the election of all officers provided for by the laws of said territory, for the year eighteen hundred and sixty-four, shall be held at such places as is now provided by law, and such other places as the governor may direct on the second Monday of October.

Time of annual election in 1864.

APPROVED, June 20, 1864.

CHAP. CXLII. — *An Act to confirm certain Entries of Land in the State of Missouri.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all entries heretofore made under the graduation act of August fourth, eighteen hundred and fifty-four, in township forty-five north, of range nine west, south of Missouri River, in the district of land subject to sale at St. Louis, Missouri, shall be, and are hereby, confirmed: *Provided, however*, That this act shall not extend to any entry of land aforesaid upon which there was an actual settler other than the purchaser at the date of such entry, and that it shall first be shown to the satisfaction of the Secretary of the Interior that the entry has been made in good faith, and is founded upon actual settlement and cultivation, or is for the use of an adjoining farm: *Provided, further*, That the lands shall be paid for in money, or in land warrants, to the amount of one dollar and twenty-five cents per acre.

Certain entries of land in Missouri confirmed. 1854, ch. 244. Vol. x. p. 574.

Provisos.

APPROVED, June 20, 1864.

CHAP. CXLIII. — *An Act to detach the Counties of Calhoun and Branch from the Western Judicial District, and annex the same to the Eastern District of the State of Michigan.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Calhoun and Branch, in the State of Michigan, be, and the same are hereby, detached from the western judicial district and annexed to and made a part of the eastern judicial district of said state.

Counties of Calhoun and Branch made part of eastern judicial district of Michigan.

SEC. 2. *And be it further enacted*, That this act shall not in any manner affect any suit or proceeding now pending in the courts in the western judicial district of the State of Michigan, but the same shall be proceeded in and determined in said courts in the same manner as if this act had not been passed.

Pending process not affected.

APPROVED, June 20, 1864.

CHAP. CXLIV. — *An Act concerning Lands in the State of California.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under the patent of the United States, issued on the 28th day of February, 1861, to Joseph S. Alemany, as the bishop of Monterey, and his successors, for the tract of land or rancho known as Canada de los Pinos, or College Rancho, situate in the County of Santa Barbara, State of California, as described in such patent, to have and to hold the same to him and them "in trust for the religious purposes and uses" therein mentioned, it shall be lawful for the said Joseph S. Alemany and his successors, as the grantees of said patent, to sell the said tract or rancho, or any part thereof, and all proper convey-

The land in Santa Barbara County, California, known as College Rancho, &c., may be sold, and proceeds applied in what manner.

ances in that behalf to make and deliver, and the proceeds thereof to apply, under the direction of the Roman Catholic archbishop of San Francisco, in the State of California, and his successors in office, or other proper authority of the Roman Catholic church in said state, for the purposes of education anywhere within said state, not inconsistent with the laws thereof; anything in such patent, or in the original grant or concession of said tract or rancho, or other title whereby the same was acquired from and under the authorities of Spain or Mexico, to the contrary notwithstanding; and all trusts, conditions, provisions, or covenants, precedent or subsequent, expressed or implied, in said patent, grant, concession, or title, to the contrary hereof, and all breaches of the same, are hereby wholly waived, abrogated, discharged, dispensed with, and released on the part of the United States, for the purposes of this act; and any conveyance or disposition made in pursuance thereof shall operate to pass all the right and interest of the United States in said lands to the grantee.

Breaches of conditions, &c., waived by the United States.

Approved, June 20, 1864.

June 20, 1864.

Chap. CXLV. — *An Act to increase the Pay of Soldiers in the United States Army, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the first day of May, eighteen hundred and sixty-four, and during the continuance of the present rebellion, the pay per month of non-commissioned officers and privates in the military service of the United States shall be as follows, viz: Sergeant-majors, twenty-six dollars; quartermasters and commissary-sergeants of cavalry, artillery, and infantry, twenty-two dollars; first sergeants of cavalry, artillery, and infantry, twenty-four dollars; sergeants of cavalry, artillery, and infantry, twenty dollars; sergeants of ordnance, sappers and miners, and pontoniers, thirty-four dollars; corporals of ordnance, sappers and miners, and pontoniers, twenty dollars; privates of engineers and ordnance of the first class, eighteen dollars, and of the second class, sixteen dollars; corporals of cavalry, artillery, and infantry, eighteen dollars; chief buglers of cavalry, twenty-three dollars; buglers, sixteen dollars; farriers and blacksmiths of cavalry, and artificers of artillery, eighteen dollars; privates of cavalry, artillery, and infantry, sixteen dollars; principal musicians of artillery and infantry, twenty-two dollars; leaders of brigade and regimental bands, seventy-five dollars; musicians, sixteen dollars; hospital stewards of the first class, thirty-three dollars; hospital stewards of the second class, twenty-five dollars; hospital stewards of the third class, twenty-three dollars.

Pay of non-commissioned officers and privates in the military service of the United States.

["Musicians," to include what. Pub. Res. No. 68. *Post*, p. 416.]

Sec. 2. *And be it further enacted*, That the army ration shall hereafter be the same as provided by law and regulations on the first day of July, eighteen hundred and sixty-one: *Provided*, That the ration of pepper prescribed in the eleventh section of the "Act to promote the efficiency of the corps of engineers and of the ordnance department, and for other purposes," approved March three, eighteen hundred and sixty-three, shall continue to be furnished as heretofore. But nothing contained in this act shall be construed to alter the commutation value of rations as regulated by existing laws.

Army ration to remain the same.

Ration of pepper.

1863, ch. 78, § 11. Vol. xii. p. 744.

Sec. 3. *And be it further enacted*, That all non-commissioned officers and privates in the regular army, serving under enlistments made prior to July twenty-second, eighteen hundred and sixty-one, shall have the privilege of reënlisting for the term of three years in their respective organizations until the first day of August next; and all such non-commissioned officers and privates so reënlisting shall be entitled to the bounties mentioned in the joint resolution of congress approved January thirteen, eighteen hundred and sixty-four.

Non-commissioned officers and privates in regular army, enlisted before July 22, 1861, may reenlist and have certain bounties. Pub. Res. No. 5. *Post*, p. 400.

Sec. 4. *And be it further enacted*, That there be added to the battalion

of engineers one sergeant-major, who shall be paid thirty-six dollars per month, and one quartermaster-sergeant, who shall also be commissary-sergeant, who shall be paid twenty-two dollars per month.

Sergeant-major and quartermaster-sergeant to battalion of engineers; pay.

SEC. 5. *And be it further enacted*, That there shall be attached to, and made a part of, the War Department, during the continuance of the present rebellion, a bureau, to be known as the Bureau of Military Justice, to which shall be returned for revision the records and proceedings of all the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and in which a record shall be kept of all proceedings had thereupon.

Bureau of military justice established.

SEC. 6. *And be it further enacted*, That the President shall appoint, by and with the advice and consent of the Senate, as the head of said bureau, a judge advocate-general, with the rank, pay, and allowances of a brigadier-general, and an assistant judge advocate-general, with the rank, pay, and allowances of a colonel of cavalry. And the said judge advocate-general and his assistant shall receive, revise, and have recorded the proceedings of the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and perform such other duties as have heretofore been performed by the judge advocate-general of the armies of the United States.

Judge advocate-general to be head of bureau.

Assistant judge advocate-general. Their duties.

SEC. 7. *And be it further enacted*, That the Secretary of War shall have power to appoint for said bureau one fourth-class, one third-class, one second-class, and two first-class clerks.

Clerks in said bureau.

SEC. 8. *And be it further enacted*, That in all cases where the government shall furnish transportation and subsistence to discharged officers and soldiers from the place of their discharge to the place of their enrolment or original muster into the service, they shall not be entitled to travel, pay, or commutation of subsistence.

When government furnishes transportation, &c., to discharged soldiers, they not entitled to travel, &c.

SEC. 9. *And be it further enacted*, That so much of the fifth section of the act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property," approved July twenty-second, one thousand eight hundred and sixty-one, as provides that each company officer, non-commissioned officer, private, musician, and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, is hereby repealed, except only so far as the same may hereafter be made to apply and relate to mounted troops called into the service of the United States for a term not exceeding six months.

Repeal of law allowing pay to officers and privates of cavalry furnishing horses and equipments. 1861, ch. ix. § 5. Vol. xii. p. 269.

SEC. 10. *And be it further enacted*, That from and after the passage of this act the pay of clerks of paymasters in the army of the United States shall be twelve hundred dollars per annum, without rations.

Pay of clerks of army paymasters.

SEC. 11. *And be it further enacted*, That the thirty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, one thousand eight hundred and sixty-three, be, and the same is hereby, so amended as that an officer may have, when allowed by order of his proper commander, leave of absence for other cause than sickness or wounds, without deduction from his pay or allowances: *Provided*, That the aggregate of such absence shall not exceed thirty days in any one year.

Pay, &c., may be continued during leave of absence, under certain circumstances. 1863, ch. 75, § 31. Vol. xii. p. 736. Proviso. Pub. Res. No. 67. *Post*, p. 416.

SEC. 12. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

APPROVED, June 20, 1864.

CHAP. CXLVII. — *An Act making Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-five, and for other Purposes.*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and

Legislative, executive, &c., expenses appropriation.

the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five, namely:

Legislative.

Legislative. — For compensation and mileage of senators, two hundred and forty-seven thousand four hundred and thirty dollars.

Pay, &c., of senators; of officers of Senate.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz: secretary of the Senate, three thousand six hundred dollars; officer charged with disbursements of the Senate, four hundred and eighty dollars; chief clerk, two thousand five hundred dollars; principal clerk and principal executive clerk in the office of the secretary of the Senate, at two thousand one hundred and sixty dollars each; eight clerks in office of the secretary of the Senate, at one thousand eight hundred and fifty dollars each; keeper of the stationery, one thousand seven hundred and fifty-two dollars; two messengers, at one thousand and eighty dollars each; one page, at five hundred dollars; sergeant-at-arms and doorkeeper, two thousand dollars; assistant doorkeeper, one thousand seven hundred dollars; postmaster to the Senate, one thousand seven hundred and fifty dollars; assistant postmaster and mail-carrier, one thousand four hundred and forty dollars; two mail-boys, at nine hundred dollars each; superintendent of the document room, one thousand five hundred dollars; two assistants in document room, at one thousand two hundred dollars each; superintendent of the folding-room, one thousand five hundred dollars; two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each; seventeen messengers, at one thousand two hundred dollars each; clerk or secretary to the president of the Senate, one thousand seven hundred and fifty-two dollars; clerk to the committee on finance, one thousand eight hundred and fifty dollars; clerk to the committee on claims, one thousand eight hundred and fifty dollars; clerk of printing records, one thousand eight hundred and fifty dollars; superintendent in charge of the furnaces, one thousand two hundred dollars; assistant in charge of furnaces, six hundred dollars; laborer in charge of private passages, six hundred dollars; two laborers at six hundred dollars each; chaplain to the Senate, seven hundred and fifty dollars; captain of the capitol police, eight hundred and seventy dollars; capitol police, eleven thousand eight hundred and eighty dollars; one policeman four hundred and eighty dollars, making ninety-two thousand four hundred and eighty-four dollars.

Contingent expenses.

For contingent expenses of the Senate, viz: —

Stationery.

For stationery, twenty-two thousand dollars.

Newspapers.

For newspapers, three thousand dollars.

Globe.

For Congressional Globe, twenty thousand dollars.

For reporting proceedings in the Daily Globe for the second session of the thirty-eighth congress, twelve thousand dollars.

Additional pay to reporters.

For the usual additional compensation to the reporters of the Senate for the Congressional Globe for reporting the proceedings of the Senate for the second regular session of the thirty-eight congress, eight hundred dollars each, four thousand dollars.

Pages, horses, &c.

For clerks to committees, pages, horses, and carryalls, eighteen thousand dollars.

Heating and ventilating.

For expenses of heating and ventilating apparatus, sixteen thousand dollars.

For miscellaneous items, thirty-five thousand dollars.

Pay, &c., of representatives;

For compensation and mileage of members of the House of Representatives and delegates from territories, nine hundred and ninety thousand eight hundred and sixty dollars.

of officers of House.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz clerk of the House of Representatives, three thousand six hundred dollars; chief clerk and one assistant clerk, at two thousand one hundred

and sixty dollars each; eleven clerks, at one thousand eight hundred dollars each; principal messenger in the office, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; three messengers, at one thousand two hundred dollars each; messenger to the speaker, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; clerk to the committee of ways and means, one thousand eight hundred dollars; clerk to the committee of claims, one thousand eight hundred dollars; clerk to committee on public lands, one thousand eight hundred dollars; sergeant-at-arms, two thousand one hundred and sixty dollars; clerk to the sergeant-at-arms, one thousand eight hundred dollars; messenger to the sergeant-at-arms, one thousand two hundred dollars; postmaster, two thousand one hundred and sixty dollars; assistant postmaster, one thousand seven hundred and forty dollars; four messengers, at one thousand four hundred and forty dollars each; two mail-boys, at nine hundred dollars each; captain of the capitol police, eight hundred and seventy dollars; capitol police, eleven thousand eight hundred and eighty dollars; one policeman, four hundred and eighty dollars; doorkeeper, two thousand one hundred and sixty dollars; superintendent of the folding-room, one thousand eight hundred dollars; two messengers, at one thousand seven hundred and fifty-two dollars each; one messenger, at one thousand seven hundred and forty dollars; five messengers, at one thousand five hundred dollars each; six messengers, at one thousand two hundred dollars each; twelve messengers, to be employed during the session of congress, at the rate of one thousand two hundred dollars per annum; chaplain to the House of Representatives, seven hundred and fifty dollars; making ninety-eight thousand three hundred and twenty-eight dollars.

Contingent expenses.

For contingent expenses of the House of Representatives, viz: —

Cartage.

For cartage, two thousand dollars.

Globe.

For twenty-four copies of the Congressional Globe and Appendix for each member and delegate of the second regular session of the thirty-eighth congress, and one hundred copies of the same for the House Library, twenty thousand dollars.

Clerks.

For the compensation of clerks to committees, and temporary clerks in the office of the clerk of the House of Representatives, fifteen thousand and seventy-two dollars.

Folding documents.

For folding documents, including materials, thirty thousand dollars.

Fuel, lights, &c.

For fuel and lights, pay of engineers, firemen, and laborers, repairs, and materials, twelve thousand dollars.

Furniture, &c.

For furniture, repairs, and packing-boxes for members, twelve thousand dollars.

Horses, &c.

For horses, carriages, and saddle-horses, seven thousand five hundred dollars.

Laborers.

For laborers, seven thousand dollars.

For miscellaneous items, forty thousand dollars.

Newspapers.

For newspapers, twelve thousand five hundred dollars.

Pages.

For pages and temporary mail-boys, five thousand dollars.

Globe.

For reporting and publishing proceedings in the Daily Globe, at seven dollars and fifty cents per column, eight thousand dollars.

Stationery.

For stationery, fifteen thousand dollars.

Additional pay to reporters.

For the usual additional compensation to the reporters of the House for the Congressional Globe for reporting the proceedings of the House for the second regular session of the thirty-eighth Congress, eight hundred dollars each, four thousand dollars.

Public printing.

Public Printing. — For compensation of the superintendent of public printing, and the clerks and messengers in his office, nine thousand seven hundred and fourteen dollars and sixty cents.

For contingent expenses of his office, viz: For stationery, postage, advertising, furniture, travelling expenses, horses and wagons, and miscellaneous items, two thousand dollars.

For the public printing, including the post-office blanks, two hundred and thirty-nine thousand one hundred and eighty-seven dollars.

Paper for printing. For paper for the public printing, four hundred and sixty-five thousand one hundred and seventy-eight dollars.

Binding. For the public binding, including the Congressional Globe, two hundred and fifty-two thousand two hundred and seven dollars.

Lithographing, &c. For lithographing and engraving for the Senate and House of Representatives, fifty thousand dollars.

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

Library of congress. *Library of Congress.* — For compensation of librarian, three assistant librarians, messenger, and three laborers, ten thousand five hundred dollars.

For contingent expenses of said library, two thousand dollars.

For purchase of books for said library, five thousand dollars.

For purchase of law-books for said library, two thousand dollars.

European periodicals relating to the rebellion. To enable the joint library committee to purchase a complete file of selections from European periodicals from eighteen hundred and sixty-one to eighteen hundred and sixty-four, relating to the rebellion in the United States, to be deposited in the library, four thousand dollars: *Provided*, That no part of said sum shall be expended until the entire collection, and an index thereto, is completed and approved by said committee.

Court of claims. *Court of Claims.* — For salaries of five judges of the court of claims, the solicitor, assistant solicitor, deputy solicitor, clerk and assistant clerk, bailiff, and messenger thereof, thirty-six thousand three hundred dollars.

For stationery, books, fuel, lights, laborers' hire, and other contingent and miscellaneous expenses, three thousand dollars.

For compensation of attorneys to attend to taking testimony, witnesses, and commissioners, one thousand dollars.

For payments of judgments to be rendered by court of claims, previous to the thirtieth of June, eighteen hundred and sixty-five, three hundred thousand dollars.

Executive. President. *Executive.* — For compensation of the President of the United States, twenty-five thousand dollars.

Vice-President. For compensation of the Vice-President of the United States, eight thousand dollars.

Secretaries, &c. For compensation of secretary to sign patents for public lands, one thousand five hundred dollars.

For compensation to the private secretary, steward, and messenger of the President of the United States, four thousand six hundred dollars.

For contingent expenses of the Executive office, including stationery therefor, two thousand dollars.

State Department. *Department of State.* — For compensation of the Secretary of State and assistant secretary of state, chief clerk, superintendent of statistics, clerks, messenger, assistant messenger, and laborers in his office, fifty-seven thousand eight hundred dollars.

Contingent expenses. *For the incidental and contingent expenses of the Department of State.* —For publishing the laws in pamphlet form and in newspapers of the states and territories, and in the city of Washington, seventeen thousand one hundred and twenty-five dollars.

Publishing laws, &c.

For proof-reading, and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, three thousand dollars.

For stationery, furniture, fixtures, and repairs, nine thousand dollars.

For miscellaneous items, two thousand five hundred dollars.

For copperplate printing, books, and maps, five thousand dollars.

For extra clerk hire and copying, ten thousand dollars.

Northeast executive building. *Northeast Executive Building.* — For compensation of four watchmen

and two laborers of the northeast executive building, three thousand six hundred dollars.

For contingent expenses of said building, viz: for fuel, light, repairs, and miscellaneous expenses, five thousand five hundred dollars.

Treasury Department.

Treasury Department. — For compensation of the Secretary of the Treasury, two assistant secretaries of the treasury, chief clerk, clerks, superintending architect, at a salary of three thousand dollars, assistant architect, at a salary of two thousand dollars, messengers, assistant messenger, and laborers, one hundred and sixteen thousand four hundred dollars.

1st comptroller.

For compensation of the first comptroller, chief clerk, and the clerks, messenger, and laborers in his office, forty-three thousand three hundred and forty dollars.

2d comptroller.

For compensation of the second comptroller, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, one hundred and seven thousand one hundred and forty dollars.

1st auditor.

For compensation of the first auditor, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, forty-seven thousand nine hundred and forty dollars.

2d auditor.

For compensation of the second auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, three hundred and thirty-seven thousand three hundred and forty dollars.

3d auditor.

For compensation of the third auditor, chief clerk, and the clerks, messengers, assistant messengers, and laborers in his office, two hundred thousand one hundred and forty dollars.

4th auditor.

For compensation of the fourth auditor, chief clerk, and the clerks, messenger, and assistant messenger, and laborer in his office, one hundred and ten thousand five hundred and forty dollars.

5th auditor.

For compensation of the fifth auditor, chief clerk, and the clerks, messenger, and laborer in his office, forty-seven thousand eight hundred and forty dollars.

Auditor for P. O. Department.

For compensation of the auditor of the treasury for the Post-Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and eighty-two thousand seven hundred and forty dollars.

Treasurer.

For compensation of the treasurer of the United States, assistant treasurer, cashier, assistant cashier, chiefs of divisions, chief clerk, and the officers, clerks, messengers, employees, assistant messengers, and laborers in his office, one hundred and seventy thousand three hundred and forty dollars.

Register.

For compensation of the register of the treasury, assistant register, chief clerk, and the clerks, messengers, assistant messenger, and laborers in his office, ninety thousand eight hundred and forty dollars.

Solicitor.

For compensation of the solicitor of the treasury, chief clerk, and the clerks and messenger in his office, eighteen thousand three hundred and forty dollars.

Commissioner of customs.

For compensation of the commissioner of customs, chief clerk, and the clerks, messenger, and laborer in his office, twenty-eight thousand nine hundred and ninety-three dollars and eighty-nine cents.

Light-house board.

For compensation of the chief clerk, clerks, messenger, and laborer of the light-house board, nine thousand two hundred and forty dollars.

Comptroller of the currency.

For compensation of the comptroller of the currency, deputy comptroller, clerks, messenger, and laborer, forty-three thousand two hundred and forty dollars.

Contingent expenses of Treasury Department.

Contingent Expenses of the Treasury Department. —

In the office of the Secretary of the Treasury:

For copying, labor, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk-hire for preparing and collecting information to be laid before congress, and for miscellaneous items, thirty thousand dollars.

Compensation of temporary clerks.

For compensation of temporary clerks in the Treasury Department: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion, to classify the clerks authorized according to the character of their services, or assign to such of them as he shall see fit any compensation not exceeding that of clerks of the first class, one hundred thousand dollars.

Clerks may be classified, &c.

Contingent expenses in office of 1st comptroller;

In the office of the first comptroller:

For furniture, stationery, public documents, state and territorial statutes, and miscellaneous items, one thousand five hundred dollars.

of 2d comptroller;

In the office of the second comptroller:

For stationery and miscellaneous items, including subscription to one city newspaper, to be bound and preserved for the use of the office, one thousand five hundred dollars.

of 1st auditor;

In the office of the first auditor:

For stationery and miscellaneous items, one thousand three hundred dollars.

of 2d auditor;

In the office of the second auditor:

For stationery, office furniture, and miscellaneous items, including two of the city newspapers, to be filed and preserved for the use of the office, and for additional office furniture and stationery, fifteen thousand dollars.

of 3d auditor;

In the office of the third auditor:

For stationery, office furniture, carpeting, two newspapers, preserving files and papers, bounty-land service, and miscellaneous items, four thousand dollars.

of 4th auditor;

In the office of the fourth auditor:

For contingent expenses of the office, one thousand five hundred dollars.

of 5th auditor;

In the office of the fifth auditor:

For stationery, postage, and miscellaneous expenses, in which are included two daily newspapers, one thousand five hundred dollars.

of auditor for P.-O. Department;

In the office of the auditor of the treasury for the Post-Office Department:

For furniture, carpeting, stationery, labor, light, ice, and miscellaneous items, three thousand dollars.

of treasurer;

In the office of the treasurer:

For contingent expenses of the office, and to meet increase of expenditures mainly consequent upon the increase of business and the completion of new rooms, five thousand dollars.

of register;

In the office of the register:

For stationery, arranging and binding cancelled marine papers, cases for official papers and records, and miscellaneous items, including office furniture, six thousand dollars.

of solicitor;

Office of the solicitor of the treasury:

For stationery, labor, and miscellaneous items, and for statutes and reports, two thousand dollars.

of commissioner of customs;

Office of the commissioner of customs:

For stationery, miscellaneous items, and office furniture, one thousand dollars.

of light-house board;

Light-house board:

For stationery, miscellaneous expenses, and postage, six hundred dollars.

of comptroller of the currency;

Office of the comptroller of the currency:

For stationery, furniture, and miscellaneous items, six thousand dollars.

Southeast executive building.

For the general purposes of the southeast executive building, including the extension. — For compensation of twelve watchmen and eleven laborers of the southeast executive building, thirteen thousand eight hundred dollars.

For contingent expenses of said building, viz: for fuel, light, labor, and miscellaneous items, fifty-six thousand eight hundred and ten dollars.

Department of the Interior. — For compensation of the Secretary of the Interior, assistant secretary, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers in his office, forty-five thousand nine hundred dollars. Department of the Interior. Pay of secretary, &c.;

For compensation of the commissioner of the general land-office, chief clerk, recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, one hundred and seventy-five thousand four hundred and forty dollars. of commissioner of general land-office;

For compensation of additional clerks in the general land office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty land, and for laborers employed therein, fifty-eight thousand four hundred dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum. of additional clerks; 1855, ch. 207. Vol. x. p. 701.

For compensation of the commissioner of Indian affairs, chief clerk, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office, thirty-one thousand nine hundred and forty dollars. of commissioner of Indian affairs;

For compensation of the commissioner of pensions, chief clerk, and the clerks, messengers, assistant messengers, watchman, and laborers in his office, two hundred and fifteen thousand three hundred and forty dollars. of commissioner of pensions;

For additional clerks in the pension bureau, during the remainder of the present fiscal year and the fiscal year ending the thirtieth day of June, eighteen hundred and sixty-five, the sum of twenty-one thousand dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum. of additional clerks.

For salary and travelling expenses of a special agent, two thousand five hundred dollars.

For compensation of the commissioner of public buildings and the clerk and messenger in his office, four thousand two hundred dollars. of commissioner of public buildings.

Contingent Expenses — Department of the Interior. Contingent expenses.

Office of the Secretary of the Interior: Office of Secretary of Interior;

For stationery, furniture, fuel, lights, and other contingencies, and for books and maps for the library, seven thousand dollars.

For casual repairs of the patent-office building, three thousand dollars.

For expenses of packing and distributing congressional journals and documents, in pursuance of the provisions contained in the joint resolution of congress, approved twenty-eighth January, eighteen hundred and fifty-seven, and act fifth February, eighteen hundred and fifty-nine, six thousand dollars. Vol. xi. p. 253. 1859, ch. 22. Vol. xi. p. 379.

For fuel and lights for the patent-office building, fourteen thousand dollars.

Office of Indian Affairs: of Indian affairs;

For stationery, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, four thousand dollars.

Office of the Commissioner of Pensions: of commissioner of pensions;

For stationery, engraving, and retouching plates for bounty land warrants, and binding the same, office furniture, and repairing the same, and miscellaneous items, including two city daily newspapers, to be filed, bound, and preserved for the use of the office, twelve thousand dollars.

Office of the Commissioner of Public Buildings: Office of commissioner of public buildings.

For stationery, plans, drawings, and other contingent expenses of his office, five hundred dollars.

Surveyors-general and their clerks.

Surveyors-General and their Clerks. — For compensation of the surveyor-general of Wisconsin and Iowa, and the clerks in his office, seven thousand six hundred and twenty-one dollars.

For compensation of the surveyor-general of Oregon, and the clerks in his office, eight thousand eight hundred dollars.

For compensation of the surveyor-general of California and Nevada, and the clerks in his office, fifteen thousand five hundred dollars.

For compensation of the surveyor-general of Washington Territory, and the clerks in his office, eight thousand eight hundred dollars.

For compensation of the surveyor-general of New Mexico, and the clerks in his office, four thousand dollars.

For compensation of translator in the office of the surveyor-general of New Mexico, five hundred dollars.

For compensation of the surveyor-general of Kansas and Nebraska, and the clerks in his office, ten thousand dollars.

For compensation of the surveyor-general of Minnesota, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor-general of the Territories of Colorado and Utah, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of the Territory of Dakota, and the clerks in his office, six thousand dollars.

For compensation of the surveyor-general of the Territory of Arizona, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of the Territory of Idaho, and the clerks in his office, six thousand five hundred dollars.

For compensation of recorder of land-titles in Missouri, five hundred dollars.

For compensation of clerks in the offices of the surveyors-general, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveyors, for the purpose of preserving them at the seat of government, ten thousand dollars.

For rent of surveyor-general's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, five hundred dollars.

For rent of surveyor-general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messenger, six thousand dollars.

For office-rent for the surveyor-general of Washington Territory, fuel, books, stationery, and other incidental expenses, one thousand six hundred dollars.

For office-rent of the surveyor-general of Kansas and Nebraska, fuel, and incidental expenses, one thousand five hundred dollars.

For rent of surveyor-general's office in the Territory of Dakota, fuel, books, stationery, and other incidental expenses, five hundred dollars.

For rent of surveyor-general's office in the Territory of Arizona, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For rent of surveyor-general's office in the Territory of Idaho, fuel, books, stationery, and other incidental expenses, three thousand dollars.

Expenses of courts of the United States, safe-keeping of prisoners, and prosecution of crime.

Expenses of Courts of the United States. — For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and sixty-five, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, five hundred thousand dollars.

War Department. — For compensation of the Secretary of War, Assistant Secretaries of War, solicitor, chief clerk, and the clerks, messenger, assistant messengers, and laborer in his office, sixty-six thousand three hundred and eighty dollars. War Department.

For compensation of the clerks and messengers in the office of the adjutant-general, two hundred and twenty-three thousand nine hundred and twenty dollars. Office of adjutant-general;

For compensation of the clerks, messengers, assistant messengers, and laborers, in the office of the quartermaster-general, three hundred and ninety thousand one hundred and sixty dollars. of quartermaster-general;

For compensation of the clerks and messengers in the office of the paymaster-general, two hundred and fifty-five thousand two hundred dollars. of paymaster-general;

For compensation of the clerks, messenger, and laborers in the office of the commissary-general, eighty-five thousand six hundred and forty dollars. of commissary-general;

For compensation of the clerks, messenger, and laborer in the office of the surgeon-general, forty-three thousand eight hundred and forty dollars. of surgeon-general;

For compensation of the clerks, messengers, and laborer in the office of the chief engineer, twenty-eight thousand eight hundred and eighty dollars. of chief engineer;

For compensation of the clerks and messenger in the office of the colonel of ordnance, one hundred and seventy-two thousand and forty dollars. of colonel of ordnance.

Contingent Expenses of the War Department. Contingent expenses.

Office of the Secretary of War: Office of Secretary of War;

For stationery, labor, books, maps, extra clerk-hire, and miscellaneous items, twenty thousand dollars.

Office of the Adjutant-General: of adjutant-general;

For stationery and miscellaneous items, fifteen thousand dollars.

Office of the Quartermaster-General: of quartermaster-general;

For stationery and miscellaneous items, fifteen thousand dollars.

Office of the Paymaster-General: of paymaster-general;

For stationery and miscellaneous items, six thousand dollars.

Office of the Commissary-General: of commissary-general;

For stationery, rent of office and hire of watchmen, and miscellaneous items, fifteen thousand dollars.

Office of the Chief Engineer: of chief engineer;

For stationery and miscellaneous items, three thousand five hundred dollars.

Office of the Surgeon-General: of surgeon-general;

For stationery and miscellaneous items, including rent of office, ten thousand dollars.

Office of the Colonel of Ordnance: of colonel of ordnance.

For stationery and miscellaneous items, seven thousand five hundred dollars.

For the general purposes of the Northwest Executive Building. — For compensation of superintendent, four watchmen, and two laborers of the northwest executive building, three thousand eight hundred and fifty dollars. Northwest executive building.

For labor, fuel, light, and miscellaneous items, twenty thousand dollars.

For the general purposes of the building corner of F and Seventeenth Streets. — For compensation of superintendent, four watchmen, and two laborers for said building, three thousand eight hundred and fifty dollars. Building corner F and Seventeenth streets;

For fuel, compensation of firemen, and miscellaneous items, six thousand dollars.

For the general purposes of the building corner of F and fifteenth corner F and Fifteenth streets.

streets. — For superintendent, watchmen, rent, fuel, lights, and miscellaneous items, fifteen thousand dollars.

Navy Department.

Navy Department. — For compensation of the Secretary of the Navy, Assistant Secretary of the Navy, chief clerk, and the clerks, messenger, assistant messenger, and laborers in his office, forty-seven thousand four hundred dollars.

Bureau of yards and docks;

For compensation of the chief of the bureau of navy-yards and docks, and the civil engineer, chief clerk, clerks, messenger, and laborers in his office, nineteen thousand two hundred and forty dollars.

of equipment and recruiting;

For compensation of the chief of the bureau of equipment and recruiting, chief clerk, and the clerks, messenger, and laborer in his office, ten thousand seven hundred and forty dollars.

of navigation;

For compensation of the chief of the bureau of navigation, chief clerk, and the clerks, messenger, and laborer in his office, nine thousand eight hundred and forty dollars.

of ordnance;

For compensation of the chief of the bureau of ordnance, and the assistant, chief clerk, clerks, draughtsman, messenger, and laborers in his office, seventeen thousand two hundred and twenty dollars.

of construction and repair;

For compensation of the chief of the bureau of construction and repair, chief clerk, and the clerks, draughtsman, messenger, and laborer in his office, sixteen thousand three hundred and forty dollars.

of steam-engineering;

For compensation of the chief of the bureau of steam-engineering, chief clerk, and the clerks, draughtsmen, messenger, and laborer in his office, ten thousand seven hundred and forty dollars.

of provisions and clothing;

For compensation of the chief of the bureau of provisions and clothing, chief clerk, and the clerks, messenger, and laborer, eighteen thousand seven hundred and forty dollars.

of medicine and surgery;

For compensation of the chief of the bureau of medicine and surgery, assistant, and the clerks, messenger, and laborer in his office, ten thousand five hundred and forty dollars.

Contingent expenses.

Contingent Expenses of the Navy Department.

Office of Secretary of the Navy.

Office Secretary of the Navy:

For stationery, labor, newspapers, periodicals, and miscellaneous items, three thousand four hundred and forty dollars.

Bureau of yards and docks;

Bureau of Yards and Docks:

For stationery, plans, drawings, and incidental labor, eight hundred dollars.

of equipment and recruiting;

Bureau of Equipment and Recruiting:

For stationery and miscellaneous items, five hundred dollars.

of navigation;

Bureau of Navigation:

For stationery and miscellaneous items, eight hundred dollars.

of ordnance;

Bureau of Ordnance:

For stationery and miscellaneous items, one thousand dollars.

of construction and repair;

Bureau of Construction and Repair:

For stationery and miscellaneous items, one thousand dollars.

of steam-engineering;

Bureau of Steam-Engineering:

For stationery and miscellaneous items, one thousand two hundred dollars.

of provisions and clothing;

Bureau of Provisions and Clothing:

For stationery and miscellaneous items, one thousand dollars.

of medicine and surgery.

Bureau of Medicine and Surgery:

For stationery and miscellaneous items, four hundred and fifty dollars.

Southwest executive building.

For the General Purposes of the Southwest Executive Building. — For compensation of five watchmen and two laborers of the southwest executive building, three thousand nine hundred and sixty dollars.

For contingent expenses of said building, viz: —

For labor, fuel, lights, and miscellaneous items, five thousand dollars.

Post-Office Department.

Post-Office Department. — For compensation of the Postmaster-General, three assistant Postmasters-General, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers of said depart-

nent, one hundred and fifty-eight thousand two hundred and twenty dollars.

For compensation of twenty-five additional clerks, twenty thousand dollars.

Contingent expenses of P.-O. Department.

Contingent Expenses of the Post-Office Department. — For stationery, fuel for the general post-office building, including fuel for the auditor's office, oil, gas, and candles, printing, repair of the general post-office building, office furniture, glazing, painting, whitewashing, and for keeping the fireplaces and furnaces in order; for engineer, (for steam-engine,) laborers, watchmen, repairs of furniture, and for miscellaneous items, thirty-five thousand dollars.

Department of agriculture.

Department of Agriculture. — For compensation of the commissioner of agriculture, chief clerk, one clerk of the fourth class, four clerks of the third class, four clerks of the second class, six clerks of the first class, an entomologist at an annual salary of two thousand dollars, a chemist at an annual salary of two thousand dollars, an assistant chemist at an annual salary of fourteen hundred dollars, a draughtsman at an annual salary of fourteen hundred dollars, a translator at an annual salary of twelve hundred dollars, two messengers at an annual salary of six hundred dollars each, and two laborers at an annual salary of four hundred dollars each, thirty-eight thousand dollars.

Contingencies.

For contingencies, viz: — For stationery, wood, coal, gas, and miscellaneous items, three thousand five hundred dollars.

Agricultural statistics.

For collecting agricultural statistics and information for reports, twenty thousand dollars.

For furniture, viz: Carpets, desks, and stoves, eight hundred dollars.

Library and laboratory.

For the purchase of a library and laboratory, four thousand dollars.

Seeds, &c.

For purchase and distribution of new and valuable seeds, and for labor in putting up seeds, seed-bags, and bagging, fifty-four thousand dollars.

For compensation of superintendent of seed-room, at an annual compensation of sixteen hundred dollars, and for two clerks of the first class, four thousand dollars.

For contingencies of seed-room, viz: coal, gum, packing-paper, and miscellaneous items, three thousand dollars.

Plants and cuttings.

For propagating garden, for propagation and distribution of valuable plants, cuttings, & shrubs, viz: For labor, for repair of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, ten thousand eight hundred dollars:

Trees, plants, &c., to be adapted to general cultivation.

Provided, That such trees, cuttings, vines, and bulbs so purchased, or which shall be propagated, shall be such as are adapted to general cultivation and to promote the general interest of horticulture and agriculture throughout the United States.

Experimental garden.

For experimental garden on reservation number two, viz: For salary of foreman and laborers, three thousand dollars; for keep of a horse and stable, and for seeds, manure, tools, and miscellaneous items, two thousand dollars.

Mint at Philadelphia.

Mint of the United States at Philadelphia. — For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, and seven clerks, twenty-six thousand four hundred dollars.

For wages of workmen and adjusters, one hundred and twenty-five thousand dollars.

For specimens of coins to be preserved in the cabinet of the mint, three hundred dollars.

Branch at San Francisco.

Branch Mint at San Francisco, California. — For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and six clerks, thirty thousand five hundred dollars.

For wages of workmen and adjusters, one hundred and fifty thousand and fifty dollars.

For incidental and contingent expenses, repairs, and wastage, fifty thousand dollars.

Assay office, New York.

Assay Office, New York. — For salaries of superintendent, assayer, and melter and refiner, assistant assayer, officers, and clerks, twenty-three thousand seven hundred dollars.

For wages of workmen, thirty-five thousand dollars.

For incidental and contingent expenses, twenty thousand dollars.

Branch-mint at Denver.

Branch Mint at Denver. — For superintendent, assayer, melter, refiner, coiner, and clerks, twelve thousand four hundred dollars.

For wages of workmen, twenty-six thousand one hundred and eighty nine dollars.

For incidental and contingent expenses, five thousand dollars.

For additional salary of treasurer, acting as assistant treasurer of the United States, five hundred dollars.

For salary of clerk to assistant treasurer, one thousand eight hundred dollars.

For safe and vault, including freight, five thousand dollars.

For salary of assistant treasurer from November twentieth, eighteen hundred and sixty-two, to June thirtieth, eighteen hundred and sixty-four, eight hundred and five dollars and fifty-five cents.

For salary of clerk from March first to June thirtieth, eighteen hundred and sixty-four, six hundred dollars.

Governments in the territories.

GOVERNMENTS IN THE TERRITORIES.

New Mexico.

Territory of New Mexico. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of said territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty-two thousand nine hundred and eighty dollars.

Utah.

Territory of Utah. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the territory, one thousand five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the general assembly, ten thousand dollars.

Washington.

Territory of Washington. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said territory, one thousand five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Nebraska.

Territory of Nebraska. — For salaries of governor, chief-justice and two associate judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, fifteen thousand dollars.

Colorado.

Territory of Colorado. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative

assembly, officers, clerks, and contingent expenses of the assembly, fifteen thousand dollars.

Territory of Nevada. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars. Nevada.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Territory of Dakota. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars. Dakota.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, fourteen thousand dollars.

Territory of Arizona. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars. Arizona.

For contingent expenses of the territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Territory of Idaho. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars. Idaho.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Territory of Idaho. — For the fiscal year ending June thirtieth, eighteen hundred and sixty-four: —

For salary of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

JUDICIARY. Judiciary.

Office of the Attorney-General. — For salaries of the Attorney-General, Assistant Attorney-General, and the clerks and messenger in his office, twenty thousand three hundred dollars. Attorney-General's office.

Contingent expenses of the office of the Attorney-General, namely: —

For fuel, labor, furniture, stationery, and miscellaneous items, three thousand dollars.

For purchase of law and necessary books for the office of the Attorney-General, two hundred and fifty dollars.

For legal assistance and other necessary expenditures in the disposal of private land-claims in California, ten thousand dollars. Land-claims in California.

For special and other extraordinary expenses of California land-claims, ten thousand dollars.

Justices of the Supreme Court of the United States. — For salaries of the chief-justice and nine associate justices, sixty thousand five hundred dollars. Justices of supreme court.

For travelling expenses of the judge assigned to the tenth circuit for attending session of supreme court of the United States, one thousand dollars.

District judges. For salaries of the district judges of the United States, one hundred and eighteen thousand seven hundred and fifty dollars.

Courts in District of Columbia. For salaries of the chief-justice of the supreme court of the District of Columbia, the associate judges, and judge of the orphans' court, fourteen thousand five hundred dollars.

Reporter of decisions. For salary of the reporter of the decisions of the supreme court of the United States, one thousand three hundred dollars.

District attorneys. For compensation of the district attorneys, nineteen thousand two hundred and fifty dollars.

Marshals. For compensation of the marshals, eleven thousand six hundred dollars.

Independent treasury. *Independent Treasury.* — For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, sixteen thousand five hundred dollars.

For additional salary of the treasurer of the mint at Philadelphia, one thousand dollars.

For additional salary of the treasurer of the branch mint at New Orleans, five hundred dollars.

For salaries of the clerks and messengers in office of assistant treasure[r] at Boston, eight thousand one hundred dollars.

For salaries of clerks and messenger in office of the treasurer of the mint as depositary, thirteen thousand eight hundred dollars.

For salaries of clerks, messengers, watchmen, and porter in office of assistant treasurer at New York, seventy-three thousand six hundred dollars.

For salaries of chief clerk and teller, to act as assistant treasurer in the absence of the treasurer, assistant teller, book-keeper, assistant book-keeper, messenger, and four watchmen, in the office of the sub-treasury at Saint Louis, nine thousand seven hundred and sixty dollars.

1846, ch. 90. Vol. ix. p. 59. For salaries of additional clerks, under act of August sixth, eighteen hundred and forty-six, for the better organization of the treasury, at such rates as the secretary may deem just and reasonable, ten thousand dollars.

Designated depositaries. For compensation to designated depositaries, under act of August sixth, eighteen hundred and forty-six, for the collection, safe-keeping, transfer and disbursement of the public revenue, eight thousand dollars.

Special agents. For compensation to special agents under act of sixth of August, eighteen hundred and forty-six, eight thousand dollars.

Inspectors of steamboats. 1852, ch. 106. Vol. x. p. 61. For salaries of nine supervising and fifty local inspectors, appointed under act thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with travelling and other expenses incurred by them, twenty-five thousand dollars.

For contingent expenses under the act of sixth August, eighteen hundred and forty-six, for the collection, safe-keeping, transfer, and disbursement of the public revenue, in addition to premium which may be received on transfer drafts: *Provided*, That no part of said sum shall be expended for clerical services, one hundred and ten thousand dollars.

Expenses of treasury notes. For necessary expenses in carrying into effect the several acts of congress authorizing loans and the issue of treasury notes, one million dollars.

Commissioners of direct taxes, &c. *Commissioners of Direct Taxes in Insurrectionary Districts.* — For compensation of thirty-three commissioners, at three thousand dollars each, and eleven clerks at twelve hundred dollars each, one hundred and twelve thousand two hundred dollars.

For contingent expenses, forty thousand dollars.

Public buildings and grounds. *Public Buildings and Grounds.* — For compensation to the laborer in charge of the water-closets in the capitol, four hundred and thirty-eight dollars.

For compensation of four laborers in capitol, two thousand four hundred dollars.

For compensation to the public gardener, one thousand four hundred and forty dollars.

For compensation of a foreman and twenty-one laborers employed in the public grounds, thirteen thousand four hundred dollars. Public buildings and grounds.

For compensation of the keeper of the western gate, Capitol square, eight hundred and seventy-six dollars.

For compensation of two day watchmen employed in the Capitol square, one thousand two hundred dollars.

For compensation of two night watchmen employed at the President's house, one thousand two hundred dollars.

For compensation of the doorkeeper at the President's house, six hundred dollars.

For compensation of assistant doorkeeper at the President's house, six hundred dollars.

For compensation of one night watchman at the public stables and carpenters' shops south of the capitol, one thousand dollars.

For compensation of watchman in reservation number two, six hundred dollars.

For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and for fuel, oil, and lamps, one thousand one hundred and eighty dollars. Bridges.

For compensation of furnace-keeper under the old hall of the House of Representatives, six hundred dollars.

For compensation of furnace-keeper at the President's house, six hundred dollars.

Metropolitan Police. — For salaries and other necessary expenses of the metropolitan police for the District of Columbia, one hundred and ten thousand dollars; and the compensation of said metropolitan force, officers, and clerks be, and the same is hereby, increased fifty per centum, commencing on the first of July, eighteen hundred and sixty-four, said increase to be borne by the cities of Washington and Georgetown, and the county of Washington, in the District of Columbia, in the proportion equal to the number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington beyond the limits of said cities. And the corporation authorities of said cities of Washington and Georgetown, and the levy court of said county be, and they are hereby, authorized and empowered to levy a special tax not exceeding one quarter of one per centum for the purpose aforesaid. Metropolitan police. Pay of police increased fifty per cent. Expense, how to be apportioned. Tax therefor.

For deficiency of appropriation for the capitol police, under the act of April twenty-second, eighteen hundred and fifty-four, to be expended under the direction of the commissioner of public buildings, to be paid only to loyal men, four thousand three hundred and seventy-four dollars and eighty-four cents. Capitol police. 1854, ch. 52. Vol. x. p. 276.

For salary of warden of jail in the District of Columbia, sixteen hundred dollars.

SEC. 2. *And be it further enacted*, That the office of the treasurer of the United States be reorganized, under the direction of the Secretary of the Treasury, so as to authorize the employment of the officers and clerks, and with the annual salaries hereinafter specified, viz: — Office of treasurer reorganized.

One assistant treasurer, with a salary of twenty-eight hundred dollars. Assistant treasurer.

One cashier, with a salary of twenty-eight hundred dollars. Cashier and assistant.

One assistant cashier, with a salary of twenty-five hundred dollars.

One chief of the division of issues, with a salary of twenty-two hundred dollars. Chief of division of issues;

One chief of the division of redemption, with a salary of twenty-two hundred dollars. of redemption;

One chief of the division of loans, with a salary of twenty-two hundred dollars. of loans;

One chief of the division of accounts, with a salary of twenty-two hundred dollars. of accounts;

Chief of division of national banks.

One chief of the division of national banks with a salary of twenty-two hundred dollars.

Book-keepers.

Two principal book-keepers, each with a salary of twenty-two hundred dollars.

Tellers.

Two tellers, each with a salary of twenty-two hundred dollars.

Assistant tellers.

Two assistant tellers, each with a salary of two thousand dollars.

Chief clerk.

One chief clerk, with a salary of two thousand dollars.

Other clerks.

Fifteen clerks of class four, fifteen of class three, eleven of class two, nine of class one, one messenger in charge of mails, with a salary of one thousand dollars; nine messengers, with a salary of nine hundred dollars each; five messengers, with a salary of seven hundred dollars each; sixty female clerks, with a salary of six hundred dollars each; five laborers, with a salary of six hundred dollars each, and seven female laborers at a salary of two hundred and forty dollars each. And the officers, clerks, and employees hereby authorized shall be in lieu of all the force now employed in the said office. And the amount necessary to pay the salaries of said officers, clerks, and employees, in addition to the amount heretofore provided for the present fiscal year, is hereby appropriated out of any money in the treasury not otherwise appropriated.

Appropriation.

Twenty per cent. to be added to pay of females, messengers, &c.

SEC. 3. *And be it further enacted*, That twenty per centum be added to the compensation of the females and of the messengers, watchmen, and laborers employed in the several departments and under the commissioner of public buildings, and the commissioner of agriculture, and at the capitol, to commence on the first day of June, eighteen hundred and sixty-four, and to terminate at the close of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six, but to be calculated only upon the amount of compensation accruing after the first day of June, eighteen hundred and sixty-four: *Provided, however*, That no salary be increased hereby so as to exceed the sum of ten hundred dollars. And the sums necessary to pay the additional compensation herein specified for the present and the next fiscal years are hereby appropriated.

No increased salary to exceed $1000.

Late reporter of supreme court.

SEC. 4. *And be it further enacted*, That the accounting officers of the treasury are hereby authorized and directed to allow to the late reporter of the supreme court the amount of his annual salary for the fiscal year ending June thirty, eighteen hundred and sixty-four, on the production of satisfactory evidence that he has delivered to the Secretary of the Interior the number of copies of the decisions of said court prescribed by law, and that said books have been received and accepted by said Secretary.

Additional clerks in office of commissioner of customs.

SEC. 5. *And be it further enacted*, That, in addition to the clerical force now authorized by law, the following clerks are hereby authorized in the office of the commissioner of customs, to be employed and continue only during the rebellion and for one year after its close, viz: two clerks of class four, two of class three, and two of class two, and the sum of eleven thousand two hundred dollars, or so much thereof as may be necessary to pay their salaries from the date of their appointment to the thirtieth of June, eighteen hundred and sixty-five, is hereby appropriated therefor.

Testimony may be taken, &c., in investigating claims under act 1849, ch. 129, Vol. ix. p. 414, 1863, ch. 78, § 2, Vol. xii. p. 743.

SEC. 6. *And be it further enacted*, That in executing the act of the third of March, eighteen hundred and forty-nine, and the act amendatory thereof, providing for payment for steamboats and other vessels, and railroad engines or cars lost or destroyed while in the military service of the United States, the third auditor of the treasury be, and he is hereby, authorized in person, or in such manner as he may deem most compatible with the public interests, to take testimoney and make such investigations as he may deem necessary in adjudicating claims filed under said act, and for such necessary expenses incurred therein payment may be made out of the appropriation contained in said act, upon proper vouchers certified and approved by the third auditor.

Clerks in office of assistant treasurer at New Orleans.

SEC. 7. *And be it further enacted*, That from and after the first day of July, eighteen hundred and sixty-four, in lieu of the clerks heretofore authorized and provided, the assistant treasurer at New Orleans be, and he is hereby, authorized to appoint, with the approbation of the Secretary of the Treasury, one chief clerk, at a salary of twenty-five hundred dollars per annum; one clerk, at a salary of two thousand dollars per annum; two clerks, at a salary of fifteen hundred dollars per annum each; one porter, at a salary of nine hundred dollars per annum; and two watchmen, at a salary of six hundred dollars per annum each; and the compensation for such clerks for the next fiscal year be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated. And in case of the sickness or unavoidable absence of the assistant treasurer, he may, in his discretion, authorize the chief clerk to act in his place and to discharge all the duties required by law of the assistant treasurer.

Chief clerk when to act as treasurer.

Certain clerks in office of paymaster-general to be transferred to office of 3d auditor of treasury.

SEC. 8. *And be it further enacted*, That so many of the clerks in the office of the paymaster-general as have been, or may be, deemed unnecessary, not exceeding thirty-seven in number, who shall be found competent, to be selected by the Secretary of the Treasury, are hereby transferred to the office of the third auditor of the treasury, and shall be classified as follows: Twelve clerks of class two, and twenty-five of class one; and the sum of forty-six thousand eight hundred dollars, or so much thereof as may be found necessary, be, and the same is hereby, appropriated for said purpose.

Two additional appraisers in New York.

SEC. 9. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint, in addition to the present number, two appraisers for the port of New York, at an annual salary of twenty-five hundred dollars each, and the sum of five thousand dollars is hereby appropriated therefor. For twelve additional clerks in the office of the assistant treasurer at New York, at an annual salary of fourteen hundred dollars each, authorized by the act of sixth of March, eighteen hundred and sixty-two, sixteen thousand eight hundred dollars.

Additional clerks. Salaries; appropriation.

Additional appropriation for inspectors of steamboats, &c.

SEC. 10. *And be it further enacted*, That, in addition to the sum of twenty-five thousand dollars, hereinbefore appropriated, for salaries and expenses of nine supervising and fifty local inspectors of steam-vessels, with travelling and other expenses, the sum of fifty-five thousand dollars be, and the same is hereby, appropriated.

Clerks in office of Secretary of Treasury.

SEC. 11. *And be it further enacted*, That there be, and hereby is, appointed, in the office of the Secretary of the Treasury, five clerks of class three, in lieu of five clerks of class one, and the sum of two thousand dollars is hereby appropriated for said purpose.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CXLVIII. — *An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the Year ending June thirtieth, eighteen hundred and sixty-five, and for other Purposes.*

Appropriation for expenses of the Indian department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian department, namely: —

Superintendents; agents; Sub-agents, clerks, &c.

For the pay of superintendents of Indian affairs and of Indian agents, ninety-eight thousand eight hundred dollars.

For pay of sub-agents, six thousand dollars.

For the salary of the agent of the Green Bay agency, to make the

Indian agents, clerks, &c.

same fifteen hundred dollars per annum, an additional sum of five hundred dollars.

For pay of clerk to superintendent at St. Louis, Missouri, one thousand two hundred dollars.

For pay of temporary clerks to superintendents of Indian affairs, five thousand dollars.

For pay of clerk to the superintendent of Indian affairs in California, one thousand eight hundred dollars.

For pay of four agents, seven thousand two hundred dollars.

For pay of one blacksmith, one assistant blacksmith, one farmer, and one carpenter, two thousand four hundred dollars.

Interpreters, presents, and provisions.

For pay of interpreters, twenty-eight thousand four hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

Buildings and repairs.

For buildings at agencies and repairs thereof, ten thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

Treaty stipulations.

For fulfilling treaty stipulations with the various Indian tribes: —

Blackfoot Indians.

Blackfoot Indians. — For ninth of ten instalments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five, twenty thousand dollars.

Vol. xi. p. 659.

For ninth of ten instalments as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and promoting civilization and Christianity, at the discretion of the President, per tenth article of the treaty of seventeenth October, eighteen hundred and fifty-five, fifteen thousand dollars.

Chasta, Scoton, and Umpquas.

Chasta, Scoton, and Umpqua Indians. — For tenth of fifteen instalments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four, two thousand dollars.

Vol. x. p. 1122.

For tenth of fifteen instalments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand dollars.

For tenth of fifteen instalments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For tenth of fifteen instalments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of Lake Superior.

Chippewas of Lake Superior. — For two thirds of twenty-third of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight thousand three hundred and thirty-three dollars and thirty-three cents.

Vol. vii. p. 592.
Vol. x. p. 1109.

For two thirds of twenty-third of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight hundred dollars.

For two thirds of twenty-third of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, seven thousand dollars.

For two thirds of twenty-third of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

Chippewas of Lake Superior.

For two thirds of twenty-third of twenty-five instalments for the pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For two thirds of twenty-third of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty-fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For tenth of twenty instalments in coin, goods, household furniture, and cooking-utensils, agricultural implements and cattle, carpenters' and other tools and building-materials, and for moral and educational purposes, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, nineteen thousand dollars.

For tenth of twenty instalments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, five thousand and forty dollars.

For tenth of twenty instalments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For eighth of twenty instalments for the seventh smith and assistant, and support of shop, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of a smith, assistant, and shop for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of two farmers for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of the Mississippi. Vol. vii. p. 592. Vol. x. p. 1109.

Chippewas of the Mississippi. — For one third of twenty-third of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four thousand one hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four hundred dollars.

For one third of twenty-third of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand five hundred dollars.

For one third of twenty-third of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three hundred and thirty-three dollars and thirty-three cents.

For tenth of twenty instalments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, twenty thousand dollars.

Chippewas of the Mississippi, and the Pillager and Lake Winnebagoshish Indians in Minnesota.

Chippewas of the Mississippi, and the Pillager and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota. — For settlement of the claims for depredations committed by said Indians in eighteen hundred and sixty-two, twenty thousand dollars.

For clearing and breaking-in reservation and for building houses for the chiefs, three thousand six hundred dollars.

For first of ten instalments for furnishing said Indians with ten yoke of work-oxen, agricultural implements, and miscellaneous items, one thousand dollars.

For expenses incurred by the legislature of the State of Minnesota in sending commissioners to visit the Chippewa Indians, in the year eighteen hundred and sixty-two, one thousand three hundred and thirty-eight dollars and seventy-five cents.

For the employment of a sawyer, at the discretion of the President, and to remove the saw-mill from Gull Lake reservation to the new reservation set apart, and to extend the road between Gull Lake and Leach Lake to the junction of the Mississippi and Leach Lake rivers, and to remove the agency to said junction, or as near as practicable, three thousand dollars.

For compensation of female teachers on the reservation, who shall instruct the Indian girls in domestic economy, one thousand dollars.

Chippewas, Pillager, and Lake Winnebagoshish bands.

Chippewas, Pillager, and Lake Winnebagoshish Bands. — For tenth of thirty instalments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, ten thousand six hundred and sixty-six dollars and sixty-six cents.

Vol. x. p. 1165.

For tenth of thirty instalments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five, eight thousand dollars.

For tenth of thirty instalments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five, four thousand dollars.

For tenth of twenty instalments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For tenth of fifteen annual instalments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five, two thousand one hundred and twenty dollars.

For pay of an engineer to grist- and saw-mill at Leach Lake, six hundred dollars.

Chippewas of Saginaw, Swan Creek, and Black River.

Vol. xi. p. 634.

Chippewas of Saginaw, Swan Creek, and Black River. — For ninth of ten equal annual instalments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of second August, eighteen hundred and fifty-five, ten thousand dollars.

For ninth of ten instalments for the support of one blacksmith shop, per second article of the treaty of second August, eighteen hundred and fifty-five, twelve hundred and forty dollars.

For fourth of five equal annual instalments for educational purposes, under the direction of the President, two thousand dollars.

For fourth of five equal annual instalments in agricultural implements, three thousand dollars.

Chippewas, Menomonees, Winnebagoes, and New-York Indians.

Chippewas, Menomonees, Winnebagoes, and New-York Indians. — For education during the pleasure of congress, per fifth article treaty eleventh

August, eighteen hundred and twenty-seven, one thousand five hundred dollars. Vol. vii. p. 304.

Chickasaws. — For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars. Chickasaws. 1799, ch. 11. Vol. i. p. 618.

Choctaws. — For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, three thousand dollars. Choctaws. Vol. vii. p. 99. Vol. xi. p. 614.

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars. Vol. vii. p. 213.

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article [treaty] twenty-second June, eighteen hundred and fifty-five, six thousand dollars. Vol. vii. p. 235.

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent provision for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article of treaty twenty-second June, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on five hundred thousand dollars, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five, twenty-five thousand dollars.

Camanches, Kiowas, and Apaches of Arkansas River. — For the first five instalments, being the second series for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars. Camanches, Kiowas, and Apaches of Arkansas River.

For expenses of transportation of the first of five instalments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, seven thousand dollars. Vol. x. p. 1014.

Kioway, Apache, and Camanches. — For the salary of an agent for the Kioway, Apache, and Camanche Indians, for the fiscal year ending June thirty, eighteen hundred and sixty-five, fifteen hundred dollars. Kioway, Apache, and Camanches.

Creeks. — For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand five hundred dollars. Creeks. Vol. vii. p. 36. Vol. xi. p. 700.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars. Vol. vii. p. 69.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, twenty thousand dollars. Vol. vii. p. 287.

For permanent provisiom for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

Creeks.
Vol. vii. p. 419.

For blacksmith and assistant and shop and tools during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For iron and steel for shop during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For wagon-maker during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For assistance in agricultural operations during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For education during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand dollars.

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six, ten thousand dollars.

Delawares.
Vol. vii. p. 188.

Delawares. — For life-annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, two thousand three hundred and four dollars.

Iowas.

Iowas. — For interest in lieu of investment on fifty-seven thousand dollars, balance of one hundred and fifty-seven thousand dollars, to the first of July, eighteen hundred and sixty-five, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, two thousand eight hundred and seventy-five dollars.

Kansas.

Kansas. — For interest in lieu of investment on two hundred thousand dollars, at five per centum per annum, ten thousand dollars.

Kickapoos.

Kickapoos. — For eleventh instalment of interest, at five per centum, on one hundred thousand dollars for educational and other beneficial purposes, five thousand dollars.

Vol. x. p. 1078.

For eleventh instalment on two hundred thousand dollars, to be paid in eighteen hundred and sixty-four, per second article treaty eighteenth May, eighteen hundred and fifty-four, nine thousand dollars.

Menomonees.
Vol. ix. p. 952.
Vol. x. p. 1065.

Menomonees. — For ninth of twelve instalments for continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, nine hundred and sixteen dollars and sixty-six cents.

For ninth of ten instalments of annuity upon two hundred thousand dollars, balance of three hundred and fifty thousand dollars for cession of lands, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, twenty thousand dollars.

For ninth of fifteen instalments for pay of miller, per third article treaty twelfth May, eighteen hundred and fifty-four, six hundred dollars.

Miamies of Kansas.
Vol. vii. p. 191.
Vol. x. p. 1095.

Miamies of Kansas. — For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty June fifth, eighteen hundred and fifty-four, nine hundred and forty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars. Vol. vii. p. 459.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For fifth of twenty instalments upon two hundred thousand dollars, per third article treaty fifth June, eighteen hundred and fifty-four, seven thousand five hundred dollars.

Miamies of Indiana.

Miamies of Indiana. — For interest on two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, uninvested, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents. Vol. vii. p. 582. Vol. x. p. 1095.

Miamies — Eel River.

Miamies — Eel River. — For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, five hundred dollars. Vol. vii. p. 51.

For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars. Vol. vii. p. 91.

For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars. Vol. vii. p. 114.

Nisqually, Puyallup, and other bands of Indians.

Nisqually, Puyallup, and other Tribes and Bands of Indians. — For tenth instalment, in part payment for relinquishment of title to lands, to be applied to beneficial objects, per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four, fifteen hundred dollars.

For tenth of twenty instalments for pay of instructor, smith, physician, carpenter, farmer, and assistant if necessary, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four, six thousand seven hundred dollars. Vol. x. p. 1134.

Omahas.

Omahas. — For the seventh of ten instalments of this amount, being second of the series, in money or otherwise, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, thirty thousand dollars. Vol. x. p. 1044.

For the last of ten instalments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For the last of ten instalments for support of blacksmith and assistant, and iron and steel for shop, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For the last of ten instalments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw-mill provided for by the eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, three hundred dollars.

For supplying the smith's shop with tools, and keeping the same in repair, per eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, three hundred dollars.

For an engineer, one thousand two hundred dollars.

For assistant engineer for mill, six hundred dollars.

For assistant miller, three hundred dollars.

Osages.

Osages. — For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land set apart second June, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Ottoes and Missourias.

Ottoes and Missourias. — For seventh of ten instalments, being the

Vol. x. p. 1039.

second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, thirteen thousand dollars.

For last of ten instalments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For last of ten instalments for blacksmith and assistant, and iron and steel for shop, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For last of ten instalments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw-mill provided for by the seventh article of the treaty of fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For supplying the smith's shop with tools, and keeping the same in repair, per seventh article of the treaty fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For an engineer, one thousand two hundred dollars.

Ottawas and Chippewas of Michigan.

Ottawas and Chippewas of Michigan. — For ninth of ten equal annual instalments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, eight thousand dollars.

Vol. xi. p. 623.

For ninth of ten instalments for the support of four blacksmith-shops, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, four thousand two hundred and forty dollars.

For ninth of ten instalments of principal, payable annually for ten years, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand dollars.

For interest on two hundred and sixteen thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand eight hundred dollars.

For ninth of ten equal annual instalments on thirty-five thousand dollars, in lieu of former treaty stipulations, to be paid per capita to the Grand River Ottawas, per second article treaty thirty-first July, eighteen hundred and fifty-five, three thousand five hundred dollars.

Pawnees.

Vol. xi. p. 729.

Pawnees. — For second of five instalments of the second series in goods and such articles as may be necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven, thirty thousand dollars.

For support of two manual labor schools, annually, during the pleasure of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, ten thousand dollars.

For pay of two teachers, under the direction of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For purchase of iron and steel, and other necessaries for the shop, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For pay of two blacksmiths, one of whom to be a gunsmith and tinsmith, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation of two strikers or apprentices in shop, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, four hundred and eighty dollars.

For seventh of ten instalments for farming utensils and stock during the pleasure of the President, per fourth article treaty twenty-fourth Sep-

tember, eighteen hundred and fifty-seven, one thousand two hundred dollars. Pawnees.

For pay of farmer, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For sixth of ten instalments for pay of miller, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For sixth of ten instalments for pay of an engineer, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation to apprentices, to assist in working the mill, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

Pottawatomies of Huron. — For permanent annuity in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven, four hundred dollars. Pottawatomies of Huron. Vol. vii. p. 105.

Pottawatomies. — For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars. Pottawatomies Vol. vii. p. 51.

For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars. Vol. vii. p. 114.

For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars. Vol. vii. p. 185.

For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand dollars. Vol. vii. p. 317.

For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars. Vol. vii. p. 320.

For life-annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two, two hundred dollars. Vol. vii. p. 379.

For life-annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven hundred dollars. Vol. vii. p. 432.

For education during the pleasure of congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, five thousand dollars. Vol. vii. p. 296. Vol. vii. p. 317. Vol. vii. p. 379.

For permanent provision for the payment of money in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars. Vol. ix. p. 855.

For permanent provision for three blacksmiths and assistants, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For permanent provision for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth of June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Quapaws. — For education during the pleasure of the President, per Quapaws.

Vol. vii. p. 425. third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand and sixty dollars.

For farmer during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, six hundred dollars.

For payment of expenses incident to the removal of the Quapaw Indians from Kansas, and their reëstablishment in their own country, nine thousand seven hundred and twenty-six dollars and thirty-three cents.

Rogue Rivers. Vol. x. p. 1018. *Rogue Rivers.* — For eleventh of sixteen instalments in blankets, clothing, farming-utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars.

Sacs and Foxes of Mississippi; Vol. vii. p. 85. *Sacs and Foxes of Mississippi.* — For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars.

Vol. vii. p. 540. For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars.

Vol. vii. p. 596. For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars.

of Missouri. Vol. vii. p. 540. *Sacs and Foxes of Missouri.* — For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Seminoles. Vol. xi. p. 702. *Seminoles.* — For the eighth of ten instalments for the support of schools, per eighth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For the eighth of ten instalments for agricultural assistance, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For the eighth of ten instalments for the support of smiths and smiths' shops, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand two hundred dollars.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on two hundred and fifty thousand dollars, at five per centum, to be paid as annuity, they having joined their brethren west, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

Senecas. Vol. vii. p. 161. *Senecas.* — For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars.

Vol. vii. p. 349. For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, one thousand and sixty dollars.

For miller during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

Senecas of New York. — For permanent annuity in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars. Senecas of New York. 1831, ch. 26. Vol. iv. p. 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars. 1846, ch. 34. Vol. ix. p. 35.

For interest at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States treasury, per act of twenty-seventh June, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents.

Senecas and Shawnees. — For permanent annuity in specie, per fourth article treaty seventeenth September eighteen hundred and eighteen, one thousand dollars. Senecas and Shawnees. Vol. vii. p. 179.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, one thousand and sixty dollars. Vol. vii. p. 352.

Shawnees. — For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars. Shawnees. Vol. vii. p. 51. Vol. x. p. 1066.

For eleventh instalment of interest, at five per centum, on forty thousand dollars for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars. Vol. vii. p. 46.

Six Nations of New York. — For permanent annuity in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, four thousand five hundred dollars. Six Nations of New York. Vol. vii. p. 46.

Treaty of Fort Laramie. — For fourth of five instalments, at the discretion of the President, in provisions and merchandise, for payment of annuities, and transportation of the same, to certain tribes of Indians, seventy thousand dollars. Treaty of Fort Laramie. Vol. xi. p. 749.

Umpquas, (Cow Creek Band.) — For eleventh of twenty instalments in blankets, clothing, provisions, and stock, per third article treaty nineteenth September, eighteen hundred and fifty-three, five hundred and fifty dollars. Umpquas (Cow Creek band). Vol. x. p. 1027.

Umpquas and Calapooias, of Umpqua Valley, Oregon. — For last of five instalments, of the second series, of annuity for beneficial objects, to be expended as directed by the President, per third article treaty nineteenth September, eighteen hundred and fifty-three, two thousand three hundred dollars. Umpquas and Calapooias of Umpqua Valley. Vol. x. p. 1127.

For last of ten instalments for the pay of a blacksmith and furnishing shop, per sixth article treaty twenty-ninth of November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For tenth of fifteen instalments for the pay of a physician and purchase of medicines, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, two thousand dollars.

For last of ten instalments for the pay of a farmer, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand dollars.

For tenth of twenty instalments for the pay of a teacher and purchase of books and stationery, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand four hundred and fifty dollars.

Winnebagoes. — For interest on one million dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, fifty thousand dollars. Winnebagoes. Vol. vii p. 545.

Vol. ix. p. 878.

For eighteenth of thirty instalments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Removal of the Sioux, &c., from Minnesota.

For deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota, during the fiscal year ending June thirtieth, eighteen hundred and sixty-four, one hundred thirty-seven thousand two hundred and ninety-three dollars and forty cents: *Provided*, That the portion expended in behalf of the Winnebagoes shall be reimbursed to the treasury upon the sale of their lands in Minnesota, to enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottowatomie Indians, now in the State of Wisconsin, with a view to prevent any further depredations by them upon the citizens of that state, and for provisions and subsistence, ten thousand dollars: *Provided*, That the proportion of annuities to which said stray bands of Pottowatomies and Winnebagoes would be entitled if they were settled upon their reservations with their respective tribes shall be retained in the treasury to their credit, from year to year, to be paid to them when they shall unite with their said tribes, or to be used by the Secretary of the Interior in defraying the expenses of their removal, or in settling and subsisting them on any other reservation which may hereafter be provided for them.

Special agent.

For the salary of a special agent, to take charge of said Indians, fifteen hundred dollars.

Yancton Sioux. Vol. xi. p. 744.

Yancton Tribe of Sioux. — For sixth of ten instalments to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, sixty-five thousand dollars.

Calapooias, Molallas, &c., of Willamette Valley. Vol. x. p. 1144.

Calapooias, Molalla, and Clackamas Indians, of Willamet[te] Valley. — For last of five instalments of annuity for beneficial objects, per second article treaty twenty-second January, eighteen hundred and fifty-five, eight thousand dollars.

Poncas. Vol. xii. p. 997.

Poncas. — For the first of ten instalments of the second series, to be paid to them, or expended for their benefit, commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes, per second article treaty twelfth March, eighteen hundred and fifty-eight, ten thousand dollars.

For sixth of ten instalments for the establishment and maintenance of one or more manual-labor schools, under the direction of the President, per second article treaty twelfth March, eighteen hundred and fifty-eight, five thousand dollars.

For sixth of ten instalments, or during the pleasure of the President, to be expended in furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of the mill provided for in the first part of this article, as the Secretary of the Interior may consider advantageous and necessary for them, per second article treaty twelfth March, eighteen hundred and fifty-eight, seven thousand five hundred dollars.

Dwamish, &c., in Washington Territory. Vol. xii. p. 927.

Dwamish and other Allied Tribes in Washington Territory. — For fifth instalment on one hundred and fifty thousand dollars, under the direction of the President, per sixth article treaty twenty-second January, eighteen hundred and fifty-five, ten thousand dollars.

For fifth of twenty instalments for the establishment and support of an agricultural and industrial school, and to provide said school with a suitable instructor or instructors, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, three thousand dollars.

For fifth of twenty instalments for the establishment and support of a smith and carpenter shop, and to furnish them with the necessary tools,

per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Makah Tribe. — For second of three instalments on thirty thousand dollars, under the direction of the President, per fifth article treaty thirty-first January, eighteen hundred and fifty-five, two thousand dollars. Makah tribe. Vol. xii. p. 940.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of teachers, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for support of a smith and carpenters' shop, and to provide the necessary tools therefor, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Walla-Walla, Cayuse, and Umatilla Tribes. — For last of five instalments of eight thousand dollars, under the direction of the President, per second article treaty ninth June, eighteen hundred and fifty-five, eight thousand dollars. Walla-Walla, Cayuse, and Umatilla tribes. Vol. xii. p. 947.

For fifth of twenty instalments for the purchase of all necessary mill-fixtures and mechanical tools, medicines, and hospital stores, books and stationery for schools, and furniture for the employees, per fourth article treaty ninth June, eighteen hundred and fifty-five, three thousand dollars.

For fifth of twenty instalments for the pay and subsistence of one superintendent of farming operations, one farmer, two millers, one blacksmith, one wagon and plough maker, one carpenter and joiner, one physician, and two teachers, per fourth article treaty ninth June, eighteen hundred and fifty-five, eleven thousand two hundred dollars.

For fifth of twenty instalments for the pay of each of the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands, the sum of five hundred dollars per annum, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand five hundred dollars.

For fifth of twenty instalments for salary for the son of Pio-pio-mox-mox, per fifth article treaty ninth June, eighteen hundred and fifty-five, one hundred dollars.

For the erection of a saw and grist mill, in accordance with the provisions of the fourth article of the treaty of June ninth, eighteen hundred and fifty-five, ten thousand dollars.

Yakama Nation. — For last of five instalments for beneficial objects, at the discretion of the President, per fourth article treaty ninth June, eighteen hundred and fifty-five, ten thousand dollars. Yakama nation. Vol. xii. p. 953.

For fifth of twenty instalments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty ninth June, eighteen hundred and fifty five, three thousand two hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of farming and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker,

per fifth article treaty ninth June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and fixtures therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the pay of a physician, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings required for the various employees, and for providing the necessary furniture therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the salary of such person as the said confederated tribes and bands of Indians may select to be their head chief, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

Nez Perce Indians. Vol. xii. p. 958.

Nez Perce Indians. — For last of five instalments for beneficial objects, at the discretion of the President, per fourth article treaty eleventh June, eighteen hundred and fifty-five, ten thousand dollars.

For fifth of twenty instalments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For fifth of twenty instalments for keeping in repair blacksmiths', tinsmiths', gunsmiths', carpenters', and wagon and plough makers' shops, and for providing necessary tools therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of farming, and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty eleventh June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for pay of a physician, per fifth article treaty eleventh June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings for the various employees, and for providing the necessary furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the salary of such person as the tribe may select to be their head chief, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

Flatheads and other confederated tribes.

Flatheads and other confederated Tribes. — For the first of five instalments on one hundred and twenty thousand dollars, being the second

series, for beneficial objects, at the discretion of the President, per fourth article treaty sixteenth July, eighteen hundred and fifty-five, five thousand dollars. Flatheads, &c. Vol. xii. p. 976.

For fifth of twenty instalments for the support of an agricultural and industrial school, keeping in repair the buildings, and providing suitable furniture, books, and stationery, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for providing suitable instructors therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For fifth of twenty instalments for keeping in repair blacksmiths', tin and gunsmiths', carpenters', and wagon and plough makers' shops, and providing necessary tools therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of two farmers, two millers, one blacksmith, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, seven thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for pay of a physician, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings required for the various employees, and furnishing necessary furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the pay of each of the head chiefs of the Flatheads, Kootenays, and Upper Pend d'Oreilles tribes, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, fifteen hundred dollars.

Confederated Tribes and Bands of Indians in Middle Oregon. — For fifth of five instalments of eight thousand dollars for beneficial objects, at the discretion of the President, per second article treaty twenty-fifth June, eighteen hundred and fifty-five, eight thousand dollars. Middle Oregons. Vol. xii. p. 964.

For fifth of fifteen instalments for pay and subsistence of one farmer, one blacksmith, and one wagon and plough maker, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, three thousand five hundred dollars.

For fifth of twenty instalments for pay and subsistence of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five thousand six hundred dollars.

For fifth of twenty instalments for payment of salary to the head chief of said confederated bands, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five hundred dollars.

Molel Indians. — For fifth of ten instalments for keeping in repair saw and flouring mills, and for the pay of necessary employees, the benefits of which to be shared alike by all the confederated bands, per second article treaty twenty-first December, eighteen hundred and fifty-five, one thousand five hundred dollars. Molels. Vol. xii. p. 981.

For last of five instalments (in addition to the instalment specified in the treaty of twenty-ninth November, eighteen hundred and fifty-four, with the Umpquas and Calapooias of Umpqua valley) for furnishing iron and steel and other materials for the smith *in* [and] tin-shops provided for in

said treaty, and for the pay of the necessary mechanics, per second article treaty twenty-first December, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For fifth of ten instalments for the pay of a carpenter and joiner to aid in erecting buildings and making furniture for said Indians, and to furnish tools in said service, per second article treaty twenty-first December, eighteen hundred and fifty-five, two thousand dollars.

For pay of teachers to manual-labor school, for all necessary materials therefor, and for the subsistence of the pupils, per second article treaty twenty-first December, eighteen hundred and fifty-five, three thousand dollars.

For last of five instalments for the pay of an additional farmer, per second article treaty twenty-first December, eighteen hundred and fifty-five, eight hundred dollars.

Qui-nai-elts and Quil-leh-utes. Vol. xii. p. 972.

Qui-nai-elt and Quil-leh-ute Indians. — For second of three instalments on twenty-five thousand dollars for beneficial objects, under the direction of the President, per fourth article treaty first July, eighteen hundred and fifty-five, one thousand six hundred dollars.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of suitable instructors, per tenth article treaty first July, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for support of smith and carpenter shop, and to provide the necessary tools therefor, per tenth article treaty first July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, and farmer, and a physician who shall furnish medicines for the sick, per tenth article treaty first July, eighteen hundred and fifty-five, four thousand six hundred dollars.

S'Klallams. Vol. xii. p. 934.

S'Klallams. — For second of three instalments on sixty thousand dollars, under the direction of the President, per fifth article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand dollars.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of suitable teachers, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and a physician who shall furnish medicines for the sick, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Ottawas of Blanchard's Fork and Roche de Bœuf. Vol. xii. p. 1238.

Ottawa Indians of Blanchard's Fork and Roche de Bœuf. — For second of four instalments, in money, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, eight thousand five hundred dollars.

For interest on twenty-five thousand five hundred dollars, at five per centum, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, one thousand two hundred and seventy-five dollars.

Arapahoes and Cheyennes of the Upper Arkansas.

Arapahoes and Cheyenne Indians of the Upper Arkansas River. — For fourth of fifteen instalments of annuity of thirty thousand dollars, to be expended for their benefit, that is to say, fifteen thousand dollars per annum for each tribe, commencing with the year in which they shall remove to and settle upon their reservations, thirty thousand dollars.

For second of five instalments to provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanics' shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, five thousand dollars.

For transportation and necessary expenses of delivery of annuities, goods, and provisions, five thousand dollars.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions *of* [to] the Chippewas of Lake Superior, five thousand seven hundred and sixty-two dollars and sixty-three cents.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions *of* [to] the Chippewas of the Mississippi, three thousand eight hundred and eighty-six dollars and seventy-five cents.

Indian service in New Mexico.

Indian Service in New Mexico. — For general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars.

New Mexico Superintendency.

New Mexico Superintendency. — For deficiency in the appropriation for the Indian service in New Mexico, for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, twenty-five thousand dollars.

Indian service in country leased from Choctaws.

Indian Service in the District of Country leased from the Choctaws for the Indians lately residing in Texas. — For the expenses of colonizing, supporting, and furnishing agricultural implements and stock; pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools for Indians lately residing in Texas, to be expended under the direction of the Secretary of the Interior, twenty-two thousand eight hundred and twenty-five dollars.

Wichitas, &c.

For the Wichitas and other affiliated Bands. — For the expenses of colonizing, supporting, and furnishing said bands with agricultural implements and stock, pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools, to be expended under the direction of the Secretary of the Interior, thirty-seven thousand eight hundred dollars.

Shoshonees, Eastern bands.

Eastern Bands of Shoshonees. — For first of twenty instalments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per fifth article treaty second July, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, ten thousand dollars.

Northwestern bands.

Northwestern Bands of Shoshonees. — For first of twenty instalments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per third article treaty thirtieth July, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, five thousand dollars.

Goshiss bands.

Goshiss Bands of Shoshonees. — For first of twenty instalments to be expended under the direction of the President in the purchase of such articles, including cattle for herding, or other purposes, as he shall deem suitable for their wants and condition, either as hunters or herdsmen, per seventh article treaty October twelve, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, one thousand dollars.

Creeks.

Creek Nation. — For interest on two hundred thousand dollars, at five per centum per annum, as permanent annuity, to be paid them in money, or for such mechanical labor or useful articles as the Secretary of the Interior may from time to time direct, per third article treaty September three, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, ten thousand dollars, payable on condition that the said nation ratify the amendments made by the Senate.

For payment of first instalment, to be expended for their benefit in the purchase of stock, horses, sheep, clothing, and such other articles as the Secretary of the Interior, with the council of said nation, may direct, per fourth article of treaty September three, eighteen hundred and sixty-three, as amended by the Senate, for the fiscal year ending June thirty, eighteen hundred and sixty-five, forty thousand dollars, payable on condition that the said nation ratify the amendments made by the Senate.

Chippewas of Red Lake and Pembina.

Chippewas of Red Lake and Pembina. — For this amount as annuity to be paid per capita to the Red Lake band of Chippewas during the

Chippewas of Red Lake and Pembina.

pleasure of the President, per third article of treaty October second, eighteen hundred sixty-three, and second article supplementary to treaty April twelve, eighteen hundred sixty-four, approved April twenty-five, eighteen hundred sixty-four, ten thousand dollars.

Post, p. 668.

For this amount to the Pembina band of Chippewas, per same article and treaty, during the pleasure of the President, five thousand dollars.

For the first of fifteen instalments to be expended annually for the purpose of supplying them with gilling-twine, cotton-matter, calicoes, linsey, blankets, sheeting, flannels, provisions, farming-tools, and for such other useful articles, and for such other useful purposes, as may be deemed for their best interests, per third article of the supplementary treaty April twelve, eighteen hundred sixty-four, eighteen thousand dollars.

Post, pp. 689,

For the first of fifteen instalments for same objects, for the Pembina band of Chippewas, per third article of the supplementary treaty April twelfth, eighteen hundred sixty-four, four thousand dollars.

For the first of fifteen instalments for pay of one blacksmith, one physician who shall furnish medicine for the sick, one miller, and one farmer, per fourth article supplementary treaty April twelve, eighteen hundred and sixty-four, three thousand nine hundred dollars.

For first of fifteen instalments for the purchase of iron and steel, and other articles for blacksmithing purposes, per fourth article supplementary treaty April twelve, eighteen hundred sixty-four, one thousand five hundred dollars.

For first of fifteen instalments to be expended for carpentering and other purposes, per fourth article supplementary treaty April twelve, eighteen hundred and sixty-four, one thousand dollars.

For this amount to be expended in building a saw-mill, with a run of millstones attached, per fifth article supplementary treaty April twelve, eighteen hundred sixty-four, six thousand dollars.

For this amount to be paid to the chiefs of said bands, through their agents, per fourth article treaty October second, eighteen hundred sixty-three, as amended March first, eighteen hundred sixty-four, and modified by the sixth article supplementary treaty April twelve, eighteen hundred sixty-four, twenty-five thousand dollars.

Depredations by Indians.

For this amount for the payment of claims of injured persons for depredations committed by said Indians on the goods of certain British and American traders, at the mouth of Red Lake River, and for exactions forcibly levied on the proprietors of steamboats plying on Red River, to be paid in full, and the remainder to be paid pro rata upon the debts of said tribe incurred since the first day of January, eighteen hundred and fifty-nine, to be ascertained by the agents in connection with the chiefs, per fourth article treaty October second, eighteen hundred sixty-three, as amended March first, eighteen hundred sixty-four, and modified by the sixth article supplementary treaty April twelfth, eighteen hundred sixty-four, seventy-five thousand dollars.

For this amount to defray the expense of cutting out a road from Leach Lake to Red Lake, per fifth article of treaty October second, eighteen hundred sixty-three, five thousand dollars.

For the first of fifteen instalments to defray the expense of a board of visitors, to consist of not more than three persons, to attend upon the annuity payments of the said Chippewa Indians, whose salary shall not exceed five dollars per day, nor more than twenty days, and ten cents per mile travelling expenses, and not to exceed three hundred miles, per sixth article of treaty October second, eighteen hundred sixty-three, three hundred and ninety dollars.

For insurance and transportation of annuity goods and provisions, and material for building mill, including machinery, iron and steel for blacksmiths, etc., for the Chippewas of Red Lake and Pembina tribe, ten thousand dollars.

Chippewas of Red Lake and Pembina.

For this amount to defray the expense of bringing on the delegation of Chippewas of Red Lake and Pembina tribe, and to defray their expenses while detained in the city of Washington, in making treaty, and their return to their home, ten thousand dollars.

For this amount to defray the expense of a board of visitors, to consist of not more [than] three persons, to attend upon the annuity payments of the Chippewas of the Mississippi, and the Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota, whose salary shall not exceed five dollars per day, and not to be employed more than twenty days to attend upon any one payment and the duties connected therewith, and ten cents per mile for travel, not exceeding three hundred miles, per Senate amendment to seventh article treaty March eleventh, eighteen hundred and sixty-three, for the fiscal year ending June thirtieth, eighteen hundred sixty-four, three hundred and ninety dollars.

Same for fiscal year ending June thirtieth, eighteen hundred sixty-five, three hundred and ninety dollars.

Miscellaneous. Indian service in California.

Miscellaneous. — For the general incidental expenses of the Indian service in California, including travelling expenses of the superintendent and agents, seven thousand five hundred dollars.

For the purchase of cattle for beef and milk, together with clothing and food, teams and farming-tools for Indians in California, fifty-five thousand dollars.

Pay of extra clerks. 1854, ch. 267. Vol. x. p. 576. 1855, ch. 175. Vol. x. p. 643.

For the compensation of five extra clerks employed in the Indian office, under the acts of fifth August, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, and under appropriations made from year to year, seven thousand dollars.

For compensation of one clerk in the Indian office, to enable the Secretary of the Interior to carry out the regulations prescribed to give effect to the seventh section of the act of March third, eighteen hundred and fifty-five, granting bounty lands to Indians, fourteen hundred dollars.

For compensation of two extra clerks in the Indian office, employed to carry out the treaty with the Chickasaws in the adjustment of their claims, two thousand eight hundred dollars.

Annuities to Indians in Michigan and Minnesota; to Pawnees, Poncas, and Yancton Sioux; to Blackfeet.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Indian tribes in Minnesota and Michigan, twenty thousand three hundred and fifty dollars and sixty-two cents.

For insurance, transportation, and necessary expenses of the delivery of Pawnee, Ponca, and Yancton Sioux annuity goods and provisions, ten thousand dollars.

For expenses of transportation and delivery of annuity goods to the Blackfeet Indians for the year, seventeen thousand dollars.

Vaccination.

For expenses attending the vaccination of Indians, two thousand five hundred dollars.

Service in Oregon and Washington.

For the general incidental expenses of the Indian service in Oregon and Washington Territory, including insurance and transportation of annuity goods and presents, (where no special provision therefor is made by treaties,) and office [and] travelling expenses of the superintendent and sub-agents, thirty-five thousand dollars.

For defraying the expenses of the removal and subsistence of Indians in Oregon and Washington Territory (not parties to any treaty) and for pay of necessary employees, fifty thousand dollars.

Service in Nevada;

Indian Servace [*Service*] *in Nevada Territory.* — For the general incidental expenses of the Indian service in Nevada Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

in Dakota.

For general incidental expenses of the Indian service in the Territory of Dakota, including the purchase of goods and other articles, with a view to the preservation of peace, ten thousand dollars.

Indian service in Utah;

Indian Service in Utah Territory. — For the general incidental expenses of the Indian service in Utah Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

For deficiency in the appropriation for the Indian service in Utah Territory, for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, fifteen thousand dollars.

For the transportation and necessary expenses of delivery of provisions, &c., to the Indians within the Utah Superintendency, for the fiscal year ending June thirty, eighteen hundred and sixty-five, twenty-two thousand five hundred dollars.

In Colorado;

Indian Service in Colorado [o] Territory. — For the general incidental expenses of the Indian service in Colorado Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

Cherokees.

Cherokee Nation. — For interest on the "abstracted bonds" belonging to the national funds, fourteen thousand three hundred and eighty-five dollars.

For interest on the "abstracted bonds" belonging to the school-fund, three thousand two hundred and seventy dollars.

For interest on the proceeds of sales of school-lands in Alabama, sold at different times from and including the second quarter of the year eighteen hundred and fifty, to December thirty-one, eighteen hundred and sixty, computed to March first, one thousand eight hundred and sixty-four, sixteen thousand seven hundred and fifty-eight dollars and four cents.

Subsistence of the Sisseton, &c. bands of Sioux, &c., Indians.

For subsistence and clothing, and general incidental expenses of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, at their new homes, one hundred thousand dollars.

Service in Idaho;

For the general incidental expenses of the Indian service in Idaho Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

in Arizona.

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and to sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Kaskaskias, Peorias, Piankeshaws, and Weas.

To enable the Secretary of the Interior to settle the claims and carry into effect the provisions of the second article of the treaty of May thirtieth, eighteen hundred and fifty-four, with the confederated tribe of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, three thousand one hundred and sixty-four dollars and fifty-one cents.

Money appropriated for tribes in hostility, may be applied to support refugees.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to expend such part of the amount herein appropriated to carry into effect any treaty stipulation with any tribe or tribes of Indians, all, or any portion of whom, shall be in a state of actual hostility to the government of the United States, including the Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they can support themselves in their own country: *Provided*, that an account shall be kept of the sums so paid for the benefit of the said members of said tribes, which account shall be ren-

Account to be kept.

dered to congress at the commencement of the next session thereof. And all purchases of articles for the purposes above set forth shall be made of the lowest responsible bidder, after sufficient public notice by advertisement in appropriate newspapers: *Provided, also*, That the said secretary shall not be required to accept any bid which is in his judgment unreasonable in its character: *Provided, further*, That no part of said annuities shall be expended for Indians outside of the Indian Territory south of Kansas, except in providing for such individual Indians or families as are sick and unable to remove to that territory, or such as may be driven out of that territory by armed rebels, after the passage of this act.

Purchases to be made of lowest, &c., bidder.

Limit to expenditures.

SEC. 3. *And be it further enacted*, That for the temporary subsistence of the Weas, Piankeshaws, Peorias, and Kaskaskias, and furnishing the same with clothing, five thousand dollars.

Weas, Piankeshaws, Peorias, and Kaskaskias.

APPROVED, June 25, 1864.

CHAP. CXLIX. — *An Act to provide for the Examination of certain Officers of the Army.*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every quartermaster and assistant quartermaster, and every commissary and assistant commissary of subsistence, and every paymaster and additional paymaster shall, as soon as practicable, be ordered to appear for examination as to his qualifications before a board to be composed of three staff officers of the corps to which he belongs, of recognized merit and fitness, of whom two at least shall be officers of volunteers, which board shall make a careful examination as to the qualifications of all officers who may appear before them in pursuance of this act, and shall also keep minutes and make a full and true record of the examination in each case. And all members of such boards of examination shall, before proceeding to the discharge of their duties as herein provided, swear or affirm that they will conduct all examinations with impartiality, and with a sole view to the qualifications of the person or persons to be examined, and that they will not divulge the vote of any member upon the examination of any officer who may appear before them.

Quartermasters and assistants, and commissaries and assistants, to be examined.

Examining board, of whom to consist;

what to do;

to be sworn.

SEC. 2. *And be it further enacted*, That such boards of examination shall be convened under the direction of the Secretary of War, by the quartermaster-general, the commissary-general of subsistence, and the paymaster-general, at convenient places; and general rules of examination and a standard of qualifications shall be prescribed by said officers, subject to the approval of the Secretary of War, and shall be published in general orders.

Boards of examination, how convened, &c.

SEC. 3. *And be it further enacted*, That after such general orders shall have been published for sixty days, if any officer who shall then be ordered before a board of examiners, under the provisions of this act, shall fail for thirty days, after receiving such special order, to report himself as directed, all his pay and allowances shall cease and be forfeited until he does appear and report for examination; and if he shall still thereafter fail for a further period of thirty days so to appear, he shall thereupon be dropped from the rolls of the army: *Provided, however*, That if such failure to appear and report shall have been occasioned by wounds or sickness, or other physical disability, then there shall be no forfeiture of pay until thirty days after such disability has been removed; but if in sixty days after the disability is removed the officer shall not report himself, he shall then be dropped from the rolls as in other cases.

Officers neglecting to appear for examination, how punished.

Proviso.

SEC. 4. *And be it further enacted*, That if the board of examination shall report that any officer does not possess the requisite business qualifications, they shall forward the record of the examination of such officer

If officers do not pass examination, what proceedings to be had.

Officers failing to pass examination.

to the head of the bureau to which he may belong, and if the head of such bureau shall approve the finding and report of the board, he shall forward the same through the Secretary of War to the President of the United States, and if the President shall confirm the same, the officer so failing in his examination shall, if commissioned, be dismissed from the service with one month's pay, and if not yet commissioned, his appointment shall be revoked. And if the board shall report that any officer fails to pass a satisfactory examination by reason of intemperance, gambling, or other immorality, and if the head of the bureau shall approve the finding and report of the board, and the same being communicated, as before provided, to the President and confirmed by him, then such officer shall be dismissed from the service without pay, and shall not be permitted to reënter the service as an officer: *Provided*, That such dismissal shall not relieve him from liability under existing laws for any offence he may have committed.

Records of examining boards.

Sec. 5. *And be it further enacted*, That the boards of examination shall forward all their records of examination to the heads of the bureaus to which they appertain, and such records shall be filed in the proper bureaus with a suitable index; and any officer who may desire it shall be entitled to receive a copy of the record in his own case upon paying the cost of copying the same.

Approved, June 25, 1864.

June 25, 1864.

Chap. CL. — *An Act to amend an Act entitled "An Act to provide for the Payment of Horses and other Property destroyed in the Military Service of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to which this is an amendment shall, from the commencement of the present rebellion, extend to and embrace all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of their duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was or shall be ordered by his superior officer to surrender to the enemy, and such capture was or shall be made in pursuance of such surrender.

Property of officers lost by capture by the enemy to be paid for.

Approved, June 25, 1864.

June 25, 1864.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corps of commanders in the navy of the United States on the active list be temporarily increased so as to embrace all who had been appointed as such prior to the commencement of the present session of congress, under that construction of the law which then prevailed in the Navy Department: *Provided*, That the number hereby allowed shall not exceed ninety-one: *And provided, further*, That no further appointments of commanders shall be made on the active list till the number by deaths, dismissals, resignations, or otherwise, shall be reduced to seventy-two.

Corps of commanders in the navy to be temporarily increased.

Provisos.

Certain payments to officers in the navy ratified.

Sec. 2. *And be it further enacted*, That all payments heretofore made to any officers in the navy as captains or commanders, under the construction of the law heretofore prevailing in the Navy Department, be, and the same are hereby, ratified and allowed, and the proper accounting officers of the treasury are hereby authorized and instructed to allow the same, in the same way and manner as if there were no question as to the legality of said appointments.

Approved, June 25, 1864.

CHAP. CLII. — *An Act to amend the Act of the twenty-first December, eighteen hundred and sixty-one, entitled "An Act to further promote the Efficiency of the Navy."*

June 25, 1864.

1861, ch. 1. Vol. xii. p. 329.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act of the twenty-first of December, anno Domini eighteen hundred and sixty-one, entitled "An act to further promote the efficiency of the navy," shall not be so construed as to retire any officer under the age of sixty-two years, and whose name shall not have been borne upon the navy register for a period of forty-five years after he had arrived at the age of sixteen years.

Certain navy officers not to be retired, if, &c.

APPROVED, June 25, 1864.

CHAP. CLIII. — *An Act granting Lands to the State of Wisconsin to build a Military Road to Lake Superior.*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the State of Wisconsin, to aid in the construction of a military wagon-road from Wausaw, Marathon County, Wisconsin, following the Wisconsin River as far as Skonowang, and from thence, on the most feasible and direct route, to a point on the state line between the States of Wisconsin and Michigan, in a direction leading to Ontonagon, on Lake Superior, every alternate section of public land, not mineral, designated by odd numbers, for three sections in width on each side of said road. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any section, or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, then it shall be the duty of the Secretary of the Interior to set apart from the public lands of the United States, as hereinbefore described, designated by odd numbers, as near to said even section aforesaid as may be, and the same shall be located within six miles of said road, so much land as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead settlement has attached; which lands, (thus selected in lieu of those sold, reserved, or otherwise appropriated, and to which the right of preëmption or homestead settlement has attached as aforesaid) together with the sections and parts of sections designated by odd numbers as aforesaid, and approved as aforesaid, shall be held by the State of Wisconsin for the use and purpose aforesaid: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever: *Provided, further*, That any and all lands heretofore reserved to the United States, or granted by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved and excluded from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way only shall be granted.

Lands granted to Wisconsin for military wagon-road.

Mineral lands not granted.

Lands to be granted in lieu of those previously disposed of.

Lands, how to be applied.

Former grants not affected hereby.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to the said state shall be subject to the disposal of the legislature thereof, for the purposes aforesaid and no other; and the said road shall be, and remain, a public highway for the use of the government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

State legislature to dispose of lands.

Road to be highway, &c.

SEC. 3. *And be it further enacted*, That the lands hereby granted to said state shall be disposed of only in the following manner — that is to say, when the said governor shall certify to the Secretary of the Interior that

Lands, how only to be disposed of.

any ten consecutive miles of said road has been completed under the provisions of this act, and in accordance with the fourth section of this act, stating definitely where said completed section of road commences and where it terminates, it shall be the duty of the said secretary to cause patents to issue to said state for three sections of land for each mile of road thus completed as aforesaid, and so on until the whole of said road is completed: *Provided, further*, That no patent shall be given for any of the aforesaid lands before the completion of ten consecutive miles of road, or for any road, or for any part of any road, made before the passage of this act, or for any greater quantity than thirty sections for each ten miles completed according to the provisions of this act; and if said road is not completed within five years, no further sales shall be made, and the lands unsold shall revert to the United States.

Patents not to be granted until ten miles of road are completed, &c.

Lands to revert, if, &c.

Road, how to be constructed.

Sec. 4. *And be it further enacted*, That said military road shall be constructed under the direction of such agents or commissioners as the governor of said state may appoint, and where it passes through timbered lands shall be chopped out a uniform width of at least six rods. The road-bed proper to be not less than thirty-two feet wide, and constructed with ample ditches on both sides, so as to afford sufficient drains, with good and substantial bridges and proper culverts and sluices where necessary. All stumps and roots to be thoroughly grubbed out between the ditches the entire length of said road; the central portion of which to be sufficiently raised to afford a dry road-bed by means of drainage from the centre to the side ditches; the hills to be levelled and valleys raised so as to make as easy a grade as practicable.

Approved, June 25, 1864.

June 25, 1864.

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

Chap. CLIV. — *An Act to amend the Act of Congress making Donations to the Settlers on the Public Lands in Oregon, approved September twenty-seven, eighteen hundred and fifty, and the Acts amendatory thereto.*

Failing to file notice in time, not to work forfeiture in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases under the act of congress approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the several acts amendatory and supplemental thereto, in which the actual settlement may be shown to be bona fide, and the claim in all respects to be fully within the requirements of existing laws, except as to the failure of the party to file notice within the time fixed by statute, such failure shall not work forfeiture when no adverse rights intervene before the filing of the required notification by the claimant.

Approved, June 25, 1864.

June 25, 1864.

Chap. CLV. — *An Act to expedite and regulate the Printing of Public Documents, and for other Purposes.*

Heads of departments to send annual reports to superintendent of public printing before, &c.

Number of copies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, instead of furnishing manuscript copies of the documents usually accompanying their annual reports to each house of congress, the heads of the several departments of government shall transmit them, on or before the first day of November in each year, to the superintendent of public printing, who shall cause to be printed the usual number, and, in addition thereto, one thousand copies for the use of the Senate and two thousand copies for the use of the House of Representatives; and that it shall be the duty of the joint committee on printing to appoint some competent person, who shall edit and select such portions of the documents so placed in their

Editor to be

hands as shall, in the judgment of the committee, be desirable for popular distribution, and to prepare an alphabetical index to the same.

Selected to prepare volumes for popular distribution, &c.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to appoint some competent person to edit the printing of the official reports of the operations of the armies of the United States.

Editing of official reports of army.

SEC. 3. *And be it further enacted*, That it shall be the duty of the heads of the several departments of government to furnish the superintendent of public printing with copies of their respective reports, on or before the third Monday in November in each year.

Heads of departments, when to furnish copy of reports.

SEC. 4. *And be it further enacted*, That it shall be the duty of the superintendent of public printing to print the President's message, the reports of the heads of departments, and the abridgment of accompanying documents prepared under the direction of the joint committee on public printing, suitably bound; and that, in addition to the number now required by law, and unless otherwise ordered by either house of congress, it shall be his duty to print ten thousand copies of the same for the use of the Senate, and twenty-five thousand copies for the use of the House, and to deliver the same to the proper officer of each house, respectively, on or before the third Wednesday in December following the assembling of congress, or as soon thereafter as practicable; and further, it shall also be the duty of the said superintendent to cause to be printed and stitched in paper covers twenty-five hundred copies of the annual reports of the executive departments for the use of said departments, respectively; and also one thousand copies of the reports of the commissioner of the general land-office, commissioner of pensions, commissioner of the internal revenue, and such number of the report of the commissioner of Indian affairs, to be bound, not exceeding three thousand copies, as may be directed by the Secretary of the Interior, for their use, respectively; and also five hundred copies of the reports of the superintendent of the Washington aqueduct, architect of the capitol extension, metropolitan police board, third auditor of the treasury, and of the Insane Asylum, Columbia Institute, and commissioner of public buildings, respectively, for their use, and one hundred copies of the report of the bureau of engineers, for the use of said bureau. And he shall not print any greater number of said reports unless otherwise directed by either house of congress.

Superintendent of public printing to print message and documents, &c.

Number of copies of several reports.

SEC. 5. *And be it further enacted*, That seven thousand copies of the "Commercial Relations," annually prepared under the direction of the Secretary of State, be printed and distributed as follows, viz: the usual number (one thousand five hundred and fifty) for the houses of congress; four hundred and fifty for the state department; two thousand for the use of the members of the Senate; and three thousand for the use of the members of the House.

"Commercial Relations," how distributed.

SEC. 6. *And be it further enacted*, That the annual report of the Postmaster-General of offers received and contracts for conveying the mails, in compliance with the twenty-fourth and twenty-fifth sections of the act of congress approved July two, eighteen hundred and thirty-six, be no longer printed, unless specially ordered by either house of congress; and that such portion of the above-mentioned act as authorized the said publication be, and the same is hereby, repealed.

Offers and contracts for conveying mails not to be printed unless, &c.

SEC. 7. *And be it further enacted*, That from and after the passage of this act it shall be the duty of the secretary of the Senate to furnish the superintendent of public printing with correct copies of all laws and joint resolutions as soon as possible after their approval by the President of the United States, and that the superintendent shall immediately cause to be printed, separately, the usual number for the use of the two houses of congress; and, in addition thereto, he shall cause to be printed and bound, at the close of each session of congress, three thousand copies thereof for the use of the Senate and ten thousand copies for the use of

Laws and resolutions.

Number of copies.

Index.

the House, with a complete alphabetical index, prepared under the direction of the joint committee on public printing.

Advertisement for proposals for paper for printing.

Vol. xii. p. 118.

SEC. 8. *And be it further enacted*, That section seven of the joint resolution in relation to the public printing, approved June twenty-three, eighteen hundred and sixty, be so amended as to require the superintendent of public printing to advertise only in two newspapers, published in the cities of New York, Cincinnati, Boston, Philadelphia, and Baltimore, for thirty days prior to the first day of November of each year, for proposals for furnishing the paper necessary for the execution of the public printing.

Lithographing and engraving to be awarded to lowest bidder, if, &c.

SEC. 9. *And be it further enacted*, That all lithographing and engraving, where the probable total cost of the maps or plates illustrating or accompanying any one work exceeds two hundred and fifty dollars, shall be awarded to the lowest and best bidder for the interests of the government, due regard being paid to the execution of the work, after due advertisement by the superintendent of public printing, under the direction of the joint committee on printing: *Provided*, That the joint committee on public printing be authorized to empower the superintendent of public printing to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award.

Proviso.

Extra copies of documents.

SEC. 10. *And be it further enacted*, That whenever any person may desire extra copies of any document printed at the government printing office by authority of law, and shall notify the superintendent of public printing of the number of copies desired previous to its being put to press, and shall pay, in advance, the estimated cost thereof to said superintendent, the superintendent shall be authorized, under the direction of the joint committee on public printing, to furnish such extra copies; and the money so received, together with moneys received by him from the sales of paper shavings and imperfections, shall be deposited in the treasury of the United States to the credit of the appropriations for public printing, binding, and paper, respectively, as designated by said superintendent; and, further, the Secretary of the Treasury is hereby directed to cause the moneys heretofore deposited by said superintendent in the treasury of the United States, being the proceeds of sales of paper shavings and imperfections, to be placed to the credit of the appropriations aforesaid, which said several sums of money shall be subject to the requisition of said superintendent in the manner now prescribed by law.

Proceeds of sales of documents, &c.

Papers relating to foreign affairs.

SEC. 11. *And be it further enacted*, That whenever papers relating to foreign affairs shall be communicated to congress accompanying the annual message of the President, it shall be the duty of the superintendent of public printing to cause to be printed and bound, in addition to the usual number, four thousand copies for the use of the members of the Senate, seven thousand copies for the use of the members of the House of Representatives, and such number for the executive department as the President shall direct.

Number of copies.

Form and style of printing and binding.

SEC. 12. *And be it further enacted*, That the forms and style in which the printing or binding ordered by any of the departments shall be executed, the materials and size of type to be used, shall be determined by the superintendent of public printing, having proper regard to economy, workmanship, and the purposes for which the work is needed.

Repealing clause.

SEC. 13. *And be it further enacted*, That all laws, or parts of laws, joint resolutions, or parts of joint resolutions, conflicting with the above provisions, be, and they are hereby, repealed.

APPROVED, June 25, 1864.

CHAP. CLVI. — *An Act to provide for the Public Instruction of Youth in the County of Washington, District of Columbia, and for other Purposes.* June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the school districts in the County of Washington, District of Columbia, without the limits of the cities of Washington and Georgetown, shall be and remain as now laid down according to law, subject to revision and alteration by the levy court of said county, and that the school commissioners now in office shall be and remain so until others are appointed. School districts in Washington County, D. C.

SEC. 2. *And be it further enacted*, That the levy court shall annually, on the first Monday in May, appoint one person from each school district as a commissioner of primary schools, of which appointment the clerk of the levy court shall immediately notify the person so appointed; and whenever a vacancy shall occur in the board of said commissioners, the levy court, as soon as may be thereafter, shall fill the same, and all appointments made by, or resolutions of said court concerning, said commissioners shall be forthwith communicated by the clerk of said court to the clerk of the said board of commissioners, and each of said commissioners shall hold the office until a successor is appointed. Commissioners of primary schools;

SEC. 3. *And be it further enacted*, That each of the said commissioners, before he enters upon the execution of his office, and within fifteen days after notice of his appointment, shall take and subscribe, before some justice of the peace of said county, the following oath: "I, —— ——, do solemnly swear (or affirm, as the case may be) that I will in all things, to the best of my knowledge and ability, well and truly execute the trust reposed in me as commissioner of primary schools for the County of Washington, District of Columbia, without prejudice and according to law;" and every justice of the peace, before whom such oath shall be taken, shall certify the same in writing, and within eight days thereafter transmit or deliver said certificate to the clerk of the levy court for record. their oath;

SEC. 4. *And be it further enacted*, That the said commissioners and their successors shall be a corporation, under the name and style of "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," with power to sue and be sued, and to take and hold, in fee-simple, or otherwise, any estate, real or personal, not prohibited by law, which may be given to, or purchased by, the said board for primary-school purposes, and may alien and sell the same when, in the opinion of the levy court, it will be for the advantage of the said primary schools so to do; and all money in hand, after defraying the whole expenses of the several school districts at the end of each school year, shall be invested in some safe stock in the name of said corporation, and in their corporate name said board may prosecute and maintain actions for injuries done to the grounds, houses, furniture, or other property in their possession. to be a corporation; name and powers.

SEC. 5. *And be it further enacted*, That the said board of commissioners shall make and keep a record of all its official acts, and a strict and particular account of all moneys received or paid out by its order, a statement of which, with the vouchers relating thereto, as well as the record of the board, shall be subject at all times to the inspection of the levy court of said county, and to any tax-payer; and said record, or a copy thereof, certified to be correct by any one of said commissioners, attested by the signature of the clerk of said board, shall be prima facie evidence of their acts in all proceedings, judicial or otherwise; and the said board shall appoint a capable person as their clerk, (who may be one of their own members, or otherwise,) prescribe his duties, and allow him a reasonable compensation for his services. Commissioners to keep records, &c.; to appoint clerk;

SEC. 6. *And be it further enacted*, That the said board of commissioners shall hold stated meetings in January, April, July, and October, of each and every year, at such times and places as they may appoint, to hold stated meetings.

and such other meetings as circumstances may require; but if less than four members are present at any one meeting no business shall be done, except to adjourn to a future day; and at the stated meetings in April and October the treasurer of the school funds and the collector of taxes shall render in writing a full statement of their accounts respectively for the next preceding half year.

Quorum.

Clerk of levy court to give lists of property owners, &c.

SEC. 7. *And be it further enacted*, That the clerk of the levy court of said county shall annually, on or before the first Monday in April, furnish to the said board of commissioners alphabetical lists of the owners of property in each school district, according to the last county assessment, and a statement of the total amount of property assessed to each owner, exhibiting the school-tax thereon according to the last levy made by the levy court for school purposes.

Commissioners may appoint trustees of school districts.

SEC. 8. *And be it further enacted*, That the said board of commissioners shall have power annually (or as a vacancy may occur) to appoint two persons in each school district as trustees of that district, who, with the commissioner of such district, shall have charge of the local concerns of the schools therein, and act in concert with the board of commissioners in carrying out all the rules and regulations ordained by the said board, and together may permit the school-house or houses in their district to be used for public worship, or for other purposes of general benefit to the residents of the district.

Power and duties of commissioners.

SEC. 9. *And be it further enacted*, That the said board of commissioners shall have power, and it shall be their duty—

School funds.

First. To receive and disburse any fund which may be provided for the purchase of sites and the erection and support of primary schools in said county and district.

Scholars.

Second. To regulate the number of children to be taught in each of said schools, and the price of their tuition.

Teachers.

Third. To select, upon a thorough examination, such teachers as are competent, giving to each a certificate of qualifications, without which no teacher shall be entitled to receive pay; and to fix their salaries and terms of service.

Expulsion of pupils.

Fourth. To suspend or expel from any school, with the advice of the commissioner and trustees of the school district, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.

Course of study and text-books.

Fifth. To prescribe the course of study and the text-books to be used in the schools, to regulate and control the purchase and distribution of books, maps, globes, stationery, and other things necessary for the use of the same, and generally to prescribe rules and regulations for the management, good government, and well ordering of said schools.

Expenditures, &c.

Sixth. To report to the levy court, at the close of each school year, the amount of all expenditures on account of schools in the several districts during the previous school year, and the manner in which the same shall have been expended, specifying what portion and amount thereof has been expended for the services of teachers, and also shall particularly set forth the number of pupils taught, and their average attendance and progress, and such other statistics as the levy court may require.

Attendance on schools, &c.

School-houses, books, &c.

Seventh. To select, purchase, or otherwise procure, suitable sites for school-houses in each district; to adopt plans, and cause to be built, kept in repair, and furnished, such school-houses; to supply the same with necessary fuel, books, stationery, and appendages, and to defray the necessary expenses of the board: *Provided*, That the pay of teachers shall always have preference.

Levy court to impose school-tax.

SEC. 10. *And be it further enacted*, That, for the purpose of supporting said schools, and providing suitable sites, houses, and equipments therefor, the levy court shall, annually, on the first Monday in March, impose and levy a school-tax not exceeding one fourth of one per centum on all the assessed property of said county without the limits of Washington

and Georgetown, which tax shall be due at the same time, and be collected by the county collector in the same manner, and under the same regulations and restrictions, as are prescribed by law in relation to the collection of the county taxes, and which are hereby made applicable to the col lection of the school-tax imposed by this act, and when collected shall be paid to the treasurer of the school fund; and the treasurer of the levy court is hereby constituted treasurer of the school fund; and the said treasurer and collector shall be qualified by making oath or affirmation faithfully to discharge the duties required of them; and they shall give bonds respectively to the said board of commissioners, in a sum to be fixed by the levy court, with two sufficient sureties, conditioned for the faithful discharge of the duties required of them by this act, which bonds, being approved by the said board of commissioners, shall be filed with the clerk of the supreme court of the District of Columbia, who is hereby required to file the same, and a copy of either of said bonds, under seal of said court, shall be sufficient evidence of the making thereof; and the said treasurer shall be paid such compensation for his services as the said board of commissioners may allow, and the said collector the same fees as are allowed by the said levy court for collecting the county tax.

Treasurer of school fund.

SEC. 11. *And be it further enacted*, That the whole amount standing to the credit of the school fund, when the aforesaid levy is to be made, shall be taken into the account in determining the amount of tax necessary to meet the current expenses of the school year, which amount shall be levied as aforesaid, and no more; and the said board of commissioners shall apportion the school fund, after deducting such part thereof as the provisions of this act assign to the education of colored children, among the several school districts, giving to each one seventh of the whole amount of school taxes collected and then in hand, after deducting the necessary expenses of the board, and one seventh of all other funds paid in, after deducting as hereinbefore provided for the education of colored children, until an amount shall have accumulated sufficient to purchase a site and erect and furnish a school-house in each district, the cost of which shall not exceed fifteen hundred dollars, (unless by private subscription,) except where the number of scholars is sufficiently large to require two schools, in which case the sum may reach three thousand dollars; after that it shall be apportioned according to the number of children in each district between the ages of six and seventeen years: *Provided*, That not more than the actual expenses of each district shall be paid: *And provided, further*, That more than one school-house may be established in any one district if the funds are procured.

Amount of tax; how determined.

Apportionment of school fund.

Provisos.

SEC. 12. *And be it further enacted*, That in case the said commissioners should not be able to purchase suitable sites for the erection of school-houses, they shall have power to condemn and value a suitable site or sites for that purpose, not exceeding one acre of land in each site, by giving ten days' notice in writing to the proprietors thereof, except in cases where notice cannot be served, and in cases of minors, femme coverts, and persons non compos mentis, and filing with the clerk of the levy court of the County of Washington, District of Columbia, for inspection, a certificate describing such lands, with the value assessed thereon, signed by the president and clerk of said board of commissioners, which shall be sufficient notice to the proprietors of such land that the said board of commissioners are ready to pay the amount of damages so assessed; and if within thirty days from the filing of said certificate the proprietors of such land shall not appeal from the decision of said commissioners, by written notice left with the said clerk of the levy court, the amount so assessed shall be paid to the proprietors, and the title to such land and premises shall pass to, and be vested in, the board of commissioners of primary schools of Washington County, District of Columbia, and the said certificate shall be recorded in the land records of Washington County,

Sites for school-houses, how may be procured.

Proceedings.

Sites for school-houses.

District of Columbia, and shall be final; but if the proprietors of such land and premises shall, within the said thirty days, notify the said commissioners, in writing, left with the clerk of the levy court, of their dissent from the valuation of such land as made by the said commissioners, or if the land or any part thereof be owned by a minor, femme covert, or person non compos mentis, or if a notice cannot be served, it shall be lawful for the said commissioners, and it is made their duty, by their president and clerk, to issue their warrant to the marshal of the District of Columbia, commanding him to summon a jury of five freeholders, not interested in the matter, to appear on a day to be appointed by the said commissioners, on the premises, and after having each taken an oath (which the marshal or any one of said commissioners is authorized to administer) that he will, without favor or prejudice, assess the damages sustained by the proprietor of said land by reason of the condemnation of said land by the said commissioners, the jury so qualified shall proceed to value and assess the damages accordingly; and if the amount assessed by the said jury shall not be greater than the amount assessed by the said commissioners, the whole costs of the said appeal shall be chargeable to the appellant, to be paid by the said commissioners, and deducted from the cost of the land in settlement therefor; otherwise the said board of commissioners shall pay the expenses incurred by reason of such appeal, the marshal's and jurors' fees to be computed according to the act of congress approved March three, eighteen hundred and sixty-three, defining the powers and duties of the levy court.

Jury to assess damages.

1863, ch. 106. Vol. xii. p. 799.

Verdict of jury.

SEC. 13. *And be it further enacted*, That the said jury, immediately after they shall have completed their inquest and assessed the damages, shall make out a written verdict, setting forth a full and distinct description of the land and premises and the valuation or damages assessed therefor, which shall be signed by them, or a majority of them, and having been attested by the marshal, shall be immediately returned to the clerk of the levy court of the County of Washington, District of Columbia, and shall be final; and the said damages having been paid, or offered to be paid, to the said proprietors, the title to such land shall pass to, and be vested in, "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," and the verdict of the jury shall be recorded in the land records of Washington County, District of Columbia: *Provided*, That it shall be optional with the said commissioners to abide by said verdict, and occupy the said land, or abandon it without being subject to damages therefor.

Proviso.

Sites for school-houses not to be located in certain places.

SEC. 14. *And be it further enacted*, That it shall not be lawful to locate any site for a school-house in any orchard or garden, nor within three hundred yards of any dwelling-house, without the consent of the proprietor of such dwelling-house, and in order to obtain such consent or refusal, thirty days' notice shall be given to said proprietor by the said commissioners, notifying such proprietor of their intention; and if, within thirty days, no answer is returned to said commissioners by said proprietor, it shall be taken for consent, and the said commissioners may proceed to erect their school-house without let or hindrance.

Treasurer neglecting to pay orders, to be liable, &c.;

SEC. 15. *And be it further enacted*, That if the treasurer or collector, having any school funds in his hands, or neglecting or refusing to obtain such funds as by law authorized and directed, shall refuse to pay for two weeks any order of the said commissioners drawn in conformity with the requisitions of this act, such treasurer or collector shall be liable, on proof before any court of justice or justice of the peace having cognizance, and without stay of execution, to pay the full amount of said order and interest thereon, at the rate of twenty per centum per annum, from the first refusal until the day of payment, by way of damages. If any collector appointed or acting under the provisions of this act shall in any case collect more than is due, the person aggrieved shall have his remedy

collecting more than is due.

against such collector by suit or warrant, and if he recover he shall have judgment for double the amount improperly and unjustly extorted from him, and costs. The levy court of Washington County shall exercise a general supervision over the proceedings of said commissioners, may examine their books and papers, and shall prosecute for any delinquencies or violations of their duty. It shall not be lawful for a member of the levy court of said county to be a commissioner of primary schools or trustee of any of the school districts, nor for any person to be at the same time commissioner and trustee as aforesaid.

Levy court to supervise doings of commissioners;

member of, not to be commissioner.

SEC. 16. *And be it further enacted*, That any white resident of said county shall be privileged to place his or her child or ward at any one of the schools provided for the education of white children in said county he or she may think proper to select, with the consent of the trustees of both districts; and any colored resident shall have the same rights with respect to colored schools.

Who may place children in schools.

SEC. 17. *And be it further enacted*, That it shall be the duty of the said commissioners to provide suitable and convenient houses or rooms for holding schools for colored children, to employ and examine teachers therefor, and to appropriate a proportion of the school funds, to be determined by the numbers of white and colored children between the ages of six and seventeen years, to the payment of teachers' wages, to the building or renting of school-rooms, and other necessary expenses pertaining to said schools, to exercise a general supervision over them, to establish proper discipline, and to endeavor to promote a thorough, equitable, and practical education of colored children in said county. It shall be lawful for such commissioners to impose a tax of not more than fifty cents per month for each child on the parents or guardians of children attending said schools, to be applied to the payment of expenses of the school of which said child shall be an attendant; and in the exercise of this power the commissioner may, from time to time, discontinue the payment altogether, or may graduate the tax according to the ability of the said taxpayers and the wants of the school: *Provided*, That no child shall be excluded from such school on account of the inability of the parent or guardian to pay said tax. And said commissioners are authorized to receive any donations or contributions that may be made for the benefit of said schools by persons disposed to aid in the elevation of the colored population in the District of Columbia, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors, said commissioners being required to account for all funds received by them, and to report to the levy court in accordance with the provisions of section nine of this act.

Schools for colored children.

SEC. 18. *And be it further enacted*, That the first section of the act of congress entitled "An act providing for the education of colored children in the cities of Washington and Georgetown, District of Columbia, and for other purposes," be, and the same is hereby, repealed; and that from and after the passage of this act it shall be the duty of the municipal authorities of the cities of Washington and Georgetown, in the District of Columbia, to set apart each year, from the whole fund, received from all sources, by such authorities, applicable, under existing provisions of law, to purposes of public education, such a proportionate part thereof as the number of colored children, between the ages of six and seventeen years, in the respective cities bear to the whole number of children thereof, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; that the said proportion shall be ascertained by the last reported census of the population of said cities made prior to said apportionment, and shall be regulated at all times thereby; and that the said fund shall be paid to the trustees appointed under the act of congress approved July eleven, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored

Repeal of § 1 of act of 1863, ch. 83. Vol. xii. p. 407.

Proportionate part of school fund to be set apart for schools for colored children.

1862, ch. 151. Vol. xii. p. 537.

children in the cities of Washington and Georgetown, in the District of Columbia," to be disbursed by them in accordance with the provisions of the said act.

Portion of moneys received from fines, &c., to go to school-fund.

Sec. 19. *And be it further enacted*, That one fourth part of all the moneys now in the hands of the marshal of the District of Columbia, or of any other officer of said district, which have accrued from fines, penalties, and forfeitures imposed for the violations of the laws of the United States within said district, shall be by such officer or officers paid to the "Board of Commissioners of Primary Schools of Washington County, District of Columbia," one fourth part to the mayor of the city of Georgetown, and the remaining two fourths thereof to the mayor of the city of Washington, the said sums so paid to the said commissioners and the said mayors to constitute in their hands funds for the support of primary schools within the said county and public schools in said cities in the proportions aforesaid. And it shall be the duty of said marshal and other officers to pay over, every three months, from and after the passage of this act, all money coming into their hands in the manner aforesaid, to the said board of commissioners of primary schools and to the said mayors, in the proportions aforesaid, for the use of the said primary and public schools, any law to the contrary notwithstanding: *Provided*, That the funds thus obtained for educational purposes shall be applied to the education of both white and colored children, in the proportion of the numbers of each between the ages of six and seventeen years as determined by the latest census report that shall have been made prior to said apportionment; and the mayors of the aforenamed cities of Georgetown and Washington are hereby authorized and instructed to pay over such part thereof as may be applicable under the provisions of this section and the proviso thereto to the education of colored children in the aforenamed cities, to the trustees appointed under the act of July eleventh, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored children in the cities of Washington and Georgetown, in the District of Columbia," to be used for the education of colored children according to the provisions of law, and the aforenamed officers failing to pay over the moneys as aforesaid shall be liable to the penalty imposed by the second section of the act of congress approved July twelfth, eighteen hundred and sixty-two, entitled "An act to provide for the payment of fines and penalties collected by and paid the justices of the peace in the District of Columbia, under the acts of congress approved the third and fifth of August, eighteen hundred and sixty-one, and for other purposes."

1862, ch. 151. Vol. xii. p. 537.

1862, ch. 158, § 2. Vol. xii. p. 542.

Children between eight and fourteen years of age to be sent to school, &c.

Penalty.

Proviso.

Sec. 20. *And be it further enacted*, That every person in the said District of Columbia, having under his or her control a child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of said district in which he or she shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the school of that portion of said district in which he or she shall reside a sum not exceeding twenty dollars, to be recovered before any justice of the peace of the said district: *Provided*, That if it be made to appear to said justice that the party so offending was not able for any cause to send such child to school, or that such child has been attending any other school for a like period of time, or that such child by reason of bodily or mental infirmity was not fit to attend such school, such penalty shall not be enforced.

Children not vaccinated not to be admitted.

Sec. 21. *And be it further enacted*, That the trustees or commissioners having charge of public schools in the said district shall not admit into such schools any child who shall not have been duly vaccinated or otherwise protected against the small-pox; and may make such arrangements for the purpose of ascertaining whether any children within the ages pre-

scribed in the preceding section are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of such section and for enforcing the penalty therein prescribed.

Trustees, &c., to enforce attendance.

SEC. 22. *And be it further enacted*, That this act be, and the same is hereby, declared public and remedial, and shall be construed by all courts of justice according to the equity thereof; and no proceedings of the inhabitants or of the trustees of any school-district, or of the commissioners of primary schools, or of any other officer created under the provisions of this act, shall be set aside or adjudged to be void for defect of form, or for any irregularity therein, so that the requisitions of the said act are substantially complied with.

This act a public act, &c.

Proceedings of trustees, &c., not to be void for defects in form.

SEC. 23. *And be it further enacted*, That the act of congress entitled "An act to provide for the public instruction of youth in primary schools throughout the County of Washington, in the District of Columbia, without the limits of Washington, and Georgetown," except the first and third sections, approved May twenty, eighteen hundred and sixty-two be, and the same is hereby, repealed.

Act of 1862, ch. 77, except, &c., repealed. Vol. xii. p. 394.

APPROVED, June 25, 1864.

CHAP. CLVII. — *An Act to amend an Act entitled "An Act to define the Powers and Duties of the Levy Court of the County of Washington, District of Columbia."*

June 25, 1864.

1863, ch. 106. Vol. xii. p. 799.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first clause of the third section of the act of congress entitled "An act to define the powers and duties of the levy court of the County of Washington, District of Columbia, in regard to roads and for other purposes," be, and the same is hereby, amended so as to read as follows: "That the said court shall have the care and charge of, and the exclusive jurisdiction over, all the public roads and bridges in said county, except such roads and bridges as belong to and are under the care of the United States, and except such roads and bridges as shall have been or may hereafter be specially provided for by congress. And the said court shall have power and it shall be their duty."

Levy court to have care of public roads and bridges, except, &c.

SEC. 2. *And be it further enacted*, That the tenth section of the said act be, and the same is hereby, amended by striking out the words "thirty-first," and inserting the word "thirtieth."

1862, ch. 157, § 10, amended. Vol. xii. p. 803.

SEC. 3. *And be it further enacted*, That all cemeteries in the District of Columbia, outside of the cities of Washington and Georgetown, the owners of which sell lots or burial-rights therein indiscriminately to those applying therefor, shall be assessed and taxed as other property in the same parts of the said district: *Provided, however*, That all lots in said cemeteries, when actually sold for burial purposes, and any cemetery held and owned by a religious society, having a regular and known place of worship, shall be exempt from taxation.

Certain cemeteries to be taxed.

Proviso.

SEC. 4. *And be it further enacted*, That hereafter the said court shall have power, and it shall be their duty, to appoint the county surveyor of said County of Washington, to define his duties, from time to time, to fix his compensation, and to remove him whenever they shall deem it proper so to do.

Levy court to appoint county surveyor.

SEC. 5. *And be it further enacted*, That it shall be the duty of the collector of taxes for said county, whenever the owner or keeper of any dog or dogs shall neglect or refuse to pay the tax thereon, to kill, or cause to be killed, every and all such dogs.

Dogs to be killed if tax not paid.

SEC. 6. *And be it further enacted*, That the time specified by the act of February twenty-one, eighteen hundred and sixty-three, within which certain roads in said county shall be surveyed, platted, and recorded, is

Time of construction of certain roads extended.

1863, ch. 51. Vol. xii. p. 658.

hereby extended to three years from the first day of July, eighteen hundred and sixty-five.

Court may issue, &c., licenses.

SEC. 7. *And be it further enacted*, That the said court shall have power to issue, classify, and tax licenses for taverns, hotels, and restaurants, and for retailing goods, wares, and merchandise in said county, in proportion to the amount of business the person applying for a license is likely to do. The maximum sum to be charged for any one license not to exceed two hundred and fifty dollars, and the minimum to be so charged not to be less than two dollars.

Maximum charge.

Certain notices need not be given. Vol. xii. p. 801.

SEC. 8. *And be it further enacted*, That the notice required to be given by the eighth section of the act of which this is an amendment, need not be given when all the parties interested are agreed; and all roads laid out under such agreement, without such notice being given, are hereby declared lawful highways.

Repealing clause.

SEC. 9. *And be it further enacted*, That all laws and parts of laws inconsistent with this act are hereby repealed.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CLVIII. — *An Act to authorize the Bailiff of the Orphans' Court, in the County of Washington and District of Columbia, to serve Processes issued by said Court, and for other Purposes.*

Bailiff of Orphans' court may serve process.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bailiff of the Orphans' court, in the County of Washington, and District of Columbia, or such person as may be deputed by the register of wills in said county, shall have authority to serve all processes issued by said court, and shall be entitled to a fee of fifty cents for serving citations, and a fee of one dollar for serving attachments and making returns of the same to the court.

Fees for recording wills, &c.

And there shall be paid to the register of wills for said county, for recording wills and other instruments, fifteen cents per folio of one hundred words.

APPROVED, June 25, 1864.

June 25, 1864.

1863, ch. 102. Vol. xii. p. 796.

CHAP. CLIX. — *An Act amendatory of an Act to amend an Act entitled "An Act to promote the Progress of the Useful Arts," approved March three, eighteen hundred and sixty-three.*

Final fees for patents not paid may be paid within six months.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person having an interest in an invention, whether as the inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided by said act, shall have the right to make the payment of such fee, and receive the patent withheld on account of the non-payment of said fee, provided such payment be made within six months from the date of the passage of this act:

Proviso.

Provided, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent, as aforesaid, was ordered to be issued.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CLX. — *An Act to grant to the State of California certain Lands for State Prison Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of the United States to the lands comprising that portion of the promontory or point known

as "Punta de Quintin," or "Point San Quintin," lying east of the north and south line, dividing sections number three and ten from number two and eleven in township number one north range number six west, of Mount Diablo meridian, embracing portions numbers eleven, twelve, thirteen, and fourteen of the said township number one, north range number six west, upon which the State prison of the State of California is now located, not exceeding in quantity four hundred and fifty acres, be, and the same is hereby, ceded, granted, and confirmed to the said State of California, without prejudice to the rights or claims of any other parties.

Lands granted to California for state prison purposes.

APPROVED, June 25, 1864.

CHAP. CLXII. — *An Act to carry into Effect a Treaty between the United States and her Britannic Majesty for the final Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a commissioner, whose duty it shall be, conjointly with the commissioner appointed by her Britannic Majesty's government, to investigate, adjust, and determine the claims of the Hudson's Bay Company and of the Puget's Sound Agricultural Company against the government of the United States, pursuant to the terms of a treaty signed at Washington on the first day of July, eighteen hundred and sixty-three; and the commissioner shall be authorized to appoint a clerk, with a compensation at the rate of eight dollars a day.

Commissioner to investigate claims of Hudson's Bay, &c., Company,

Post, p. 651.

Clerk.

SEC. 2. *And be it further enacted*, That the compensation of the commissioner shall be five thousand dollars in full for his services and personal expenses. And the sums necessary to pay the compensation aforesaid, the share of contingent expenses of the commission on the part of the United States, and of the compensation of the umpire, chosen under the convention, are hereby appropriated out of any money in the treasury not otherwise appropriated.

Pay of commissioner and umpire.

Contingent expenses.

SEC. 3. *And be it further enacted*, That the commissioner on the part of the United States, in conjunction with the commissioner on the part of Great Britain, is hereby authorized to make all needful rules and regulations for conducting the business of the commission; such rules and regulations not contravening the Constitution of the United States, the provisions of this act, or the stipulations of the treaty.

Rules, &c., for doing the business of the commission.

SEC. 4. *And be it further enacted*, That the Secretary of State is hereby authorized and required to transmit to the said commission such papers or records relating to the business of the commission as he may deem proper, or as may be called for by the commissioner; and at the close of the commission, and of the duties of the umpire, all the records, documents, and all other papers which may have been presented on behalf of the United States, shall be returned to the Department of State.

Secretary of State to transmit papers.

APPROVED, June 27, 1864.

CHAP. CLXIII. — *An Act in Relation to the Fees and Emoluments of the Marshal, Attorney, and Clerk of the Supreme Court of the District of Columbia, and for other Purposes.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fees of the clerk of the supreme court of the District of Columbia, except so far as hereinafter specifically provided, and of the United States attorney and the marshal of said district, except so far as hereinafter provided, shall be the same as the fees respectively allowed to clerks of the district and circuit courts, attorneys, solicitors, and proctors, and marshals, by the act

Fees of clerk of supreme court, D. C., and of attorney and marshal.

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

approved February twenty-six, eighteen hundred and fifty-three, entitled, "An Act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes:" *Provided*, That the clerk of said supreme court shall not be allowed by the Secretary of the Interior to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk-hire included, to be audited and allowed by the accounting officers of the treasury, subject to an appeal to the Secretary of the Interior, more than the sum of four thousand dollars per annum; and in making out his semi-annual returns, required by the third section of said act, said clerk shall embrace his fees and emoluments of every name and character for any service required of him by law.

Limit to pay of clerk.

Returns of clerk.

Maximum compensation of attorneys and marshals.

Sec. 2. *And be it further enacted*, That no marshal nor district attorney of the United States shall, by reason of the discharge of the duties of his office, now or hereafter required of him by law, or in any case in which the United States will be bound by the judgment which may be rendered in the same, be allowed to retain out of the fees, charges, and emoluments therefor, whether prescribed by statute or allowed by a court or any judge thereof, a greater maximum compensation than that fixed by the act aforesaid; but all such fees and emoluments, of every name and character, shall be included in the semi-annual returns required of marshals and attorneys by the third section of the act aforesaid: *Provided*, That nothing in this act contained shall apply to the provisions of sections eleven and twelve of the "Act to prevent and punish frauds upon the revenue, approved March third, eighteen hundred and sixty-three."

Proviso.

1863, ch. 76, §§ 11, 12. Vol. xii. p. 741.

Plaintiff to deposit fees with clerk.

Sec. 3. *And be it further enacted*, That, at the commencement of every suit in the supreme court of the District of Columbia, the plaintiff shall deposit at least eight dollars with the clerk, to be appropriated towards the costs of the suit; and if the plaintiff recover against the defendant a judgment with costs, and said costs do not amount to eight dollars, the overplus shall be paid back to the plaintiff by the clerk: *Provided*, That suits may be prosecuted in said court by poor persons without making the deposit herein prescribed, upon the order of the court, or of one of the justices thereof.

Poor persons need not make deposit.

Fees of clerk and marshal.

Sec. 4. *And be it further enacted*, That the following fees, and no other, shall be allowed to the clerk of said court, and the marshal of said district, for the services following: —

In United States cases.

For all services rendered by said clerk to the United States, in cases in which the said United States is a party of record, five dollars.

Marriage license and certificate.

For each marriage license issued by him, one dollar.

For each certificate of official character, including the seal, fifty cents.

Warrants, writs, &c.

For service of any warrant, attachment, summons, capias, or other writ, (except execution, venire, or a summons or subpœna for a witness,) one dollar for each person on whom such service may be made.

Certain existing laws not affected hereby.

Sec. 5. *And be it further enacted*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of an act, entitled "An act concerning the disposition of convicts in the courts of the United States for subsisting persons confined in jails, charged with violating the laws of the United States, and for diminishing the expenses in relation thereto," approved May twelfth, eighteen hundred and sixty-four, or of "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February twenty-ninth, eighteen hundred and sixty-four; but the duties of said warden, and of the marshal of the United States for said District, in regard to the said jail and the prisoners committed thereto or confined therein, shall remain the same as if this act had not been passed.

1864, ch. 85. *Ante*, p. 74.

1864, ch. 16. *Ante*, p. 12.

Approved, June 27, 1864.

CHAP. CLXIV.—*An Act to prevent Smuggling, and for other Purposes.* June 27, 1864.

1864, ch. 239.
Post, p. 381.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, all goods, wares, and merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country or countries, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to enable the proper officer thoroughly to discharge this duty, he may require the owner or owners, or his, her, or their agent, or other person having charge or possession of any trunk, travelling-bag or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key; and if such owner, agent, or other person shall refuse or neglect to comply with his demands, the said officer shall retain such trunk, travelling-bag or sack, valise, or whatsoever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article or articles subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. And if any such dutiable goods, article or articles, shall be found in such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

Goods, &c., imported, how to be unladen and inspected at first port of arrival.

Trunks, closed vessels, &c., to be opened, &c.;

to be forfeited if dutiable articles are found therein.

SEC. 2. *And be it further enacted*, That to avoid the inspection at the first port of arrival, required by the first section of this act, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such goods, wares, merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection: *Provided*, That nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this act: *And provided, further*, That every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port or place of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected, as provided in section one.

Proceedings to avoid inspection at first port.

Proviso.

Proviso.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such goods, wares, merchandise, baggage, effects, trunks, travelling-bags or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

Regulations for sealing, &c., cars, marking goods, &c.

SEC. 4. *And be it further enacted*, That if the owners, master, or person in charge of any vessel, car, or other vehicle, sealed as aforesaid, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle, to the proper officer of the customs, or shall dispose of the same by sale or

Penalty on owners, &c., for not proceeding to place of destination, &c.

otherwise, or shall unload the same, or any part thereof, at any other than such port or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture: *Provided*, That nothing in this section shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

Proviso.

Penalty for unlawful breaking or opening, &c., seals, fastenings, &c.

SEC. 5. *And be it further enacted*, That if any unauthorized person or persons shall wilfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this act and regulations authorized by it, or any other act of congress, or shall affix or attach, or in any way wilfully aid, assist, or encourage the affixing or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and, upon conviction before any court of competent jurisdiction, shall be imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court. And each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal or other thing purporting to be a seal, has been wrongfully attached as aforesaid, shall be forfeited to the United States.

Penalty under act 1862, ch. 169, § 1, and how applied. Vol. xii. p. 571.

SEC. 6. *And be it further enacted*, That from and after the passage of this act the penalty for violating any of the provisions of the first section of the act entitled "An act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, one thousand eight hundred and sixty-two, shall be a fine of one hundred dollars, and the same shall be disposed of and applied as herein provided for the distribution of fines and penalties recovered by virtue of this act; and so much of the said first section as conflicts herewith is hereby repealed.

Additional inspectors.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to appoint whenever he shall think it necessary, additional inspectors of the revenue for the districts named below, as follows, to wit: Passamaquoddy, Maine, four; Portland and Falmouth, Maine, eight; Boston and Charlestown, Massachusetts, fourteen; Pembina, Minnesota, two; Chicago, Illinois, eight; Michilimackinac, Michigan, two; Sandusky, Ohio, one; Cuyahoga, Ohio, three; Erie, Pennsylvania, one; Dunkirk, New York, one; Buffalo Creek, New York, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

Secretary may remit certain fines, &c.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall have authority to remit in whole or in part, and upon such terms as he shall judge right, the fines, penalties, or forfeitures incurred or accruing under the provisions of this act, or of said act approved July fourteen, eighteen hundred and sixty-two, if, in his opinion, the same shall have been incurred without wilful negligence or any intention of fraud in the person or persons incurring the same; and he shall have authority to

ascertain the facts upon applications for remission under this act in such manner and under such regulations as shall be by him prescribed, and all fines, penalties, and forfeitures, recovered by virtue of this act, shall, after deducting all proper costs and charges, be disposed of and applied as provided in the ninety-first section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved on the second of March, in the year one thousand seven hundred and ninety-nine.

Facts, how may be ascertained.

Fines, &c., how disposed of.

1799, ch. 22. Vol. i. p. 697.

APPROVED, June 27, 1864.

CHAP. CLXV. — *An Act in Relation to the Circuit Court in and for the District of Wisconsin, and for other Purposes.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to enable the district courts of the United States to issue execution and other final process in certain cases," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, repealed.

Repeal of act 1863, ch. 113. Vol. xii. p. 807.

SEC. 2. *And be it further enacted*, That in all cases, wherein the district courts of the United States within and for the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas had rendered judgments or decrees prior to the passage of an act approved July fifteenth, eighteen hundred and sixty-two, creating circuit courts for said districts, which cases might have been brought, and could have been originally cognizable in a circuit court, the original papers and all other papers now on file in the district courts aforesaid, shall be transferred into the clerk's office of the circuit court for the district in which said causes were heard and determined. And it shall be the duty of the district-court clerks of said districts, respectively, to have said papers so removed. And it shall also be the duty of said district-court clerks to transfer to the offices of the circuit-court clerks aforesaid the books of records and journals of the district courts aforesaid, in which are any entries, orders, or proceedings affecting, or in any manner relating to, cases which were of circuit-court cognizance, or which might have been presented in a circuit court, after having first copied into a book for that purpose provided, all entries, orders, or other proceedings, which may be found in said books, journals, or records relating in any manner to cases which were not of circuit-court cognizance, and which could not have been prosecuted in a circuit court.

Papers in cases in certain district courts to be transferred to circuit courts. 1862, ch. 178. Vol. xii. p. 576.

Proviso.

SEC. 3. *And be it further enacted*, That for the necessary costs and expenses of this transfer of books and papers, and for the expense of procuring books to copy the entries and orders above mentioned, and for the copying of said record entries from the original book into the new one, at the same rate of compensation now allowed to clerks of courts for copies from their records, the clerks of the district courts shall be paid, out of any money in the treasury of the United States not otherwise appropriated, upon the certificate of the judge of the district court.

Cost of transfer and fees.

SEC. 4. *And be it further enacted*, That the transcripts thus made into a new book, after said book shall have been certified by the clerk to be full and true copies from the original book, shall have the same force and effect as records as the originals; and that the clerks of the circuit courts aforesaid shall be the custodians of the books and papers transferred to their offices, and their certificate of a transcript of any of said books or papers shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

Transcripts certified to, to have same effect as originals.

Clerks to have custody of papers.

SEC. 5. *And be it further enacted*, That the terms of the circuit and district courts of the United States for said district of Wisconsin shall hereafter be held as follows: at the city of Milwaukie, in said district, on the second Monday of April and the second Monday of September, and at the city of Madison, in said district, on the first Monday of January in each

Terms of circuit and district courts in Wisconsin.

Pending process.

year, respectively. And all writs, process, and proceedings returnable to the terms of either of said courts, as now fixed by law, shall be deemed returnable, and shall be continued to the terms of said courts, respectively, as fixed by this act: *Provided*, That all executions, processes, or orders issued from the district court of any district in this act mentioned, in cases transferred to the circuit court, and in part executed, shall be regarded as having been issued from the circuit court to which each particular case is transferred, and shall be returned thereto. And no writ of execution or other final process, or power exercised, or proceeding had in accordance with law to enforce any judgment or decree shall be affected by reason of the transfer directed by this act.

Approved, June 27, 1864.

June 28, 1864.

Chap. CLXVI. — *An Act to repeal the Fugitive Slave Act of eighteen hundred and fifty, and all Acts and Parts of Acts for the Rendition of Fugitive Slaves.*

Repeal of acts for the rendition of fugitive slaves.
1793, ch. 7, §§ 3, 4, Vol. i. p. 302.
1850, ch. 60. Vol. ix. p. 462.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections three and four of an act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," passed February twelve, seventeen hundred and ninety-three, and an act entitled "An act to amend, and supplementary to, the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' passed February twelve, seventeen hundred and ninety-three," passed September, eighteen hundred and fifty, be, and the same are hereby, repealed.

Approved, June 28, 1864.

June 28, 1864.

Chap. CLXVII. — *An Act to provide for the Improvement of the Grounds of the Government Hospital for the Insane by an Exchange of Land.*

Exchange of land for government hospital for the insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to deed to John Perkins a portion of the extreme south point or angle of the farm of the Government Hospital for the Insane, in exchange for two acres of land, more or less, now owned and occupied by the said Perkins, and situated near the middle of that side of the hospital farm which fronts upon the public roads: *Provided*, That not more than three acres are given for one contained in the last described piece of land belonging to the said Perkins: *And provided, further*, That the said Perkins is able to give, and does give, to the United States a good and sufficient title to the piece of land now owned and occupied by him.

Expenses of moving dwelling-house, &c.

Sec. 2. *And be it further enacted*, That the Secretary of the Interior is further authorized to defray the expenses of moving the dwelling-house on the present Perkins tract to the tract exchanged for it, and of digging and walling a well, out of any appropriation already made, or that may be made, for enclosing the grounds of the hospital.

Approved, June 28, 1864.

June 28, 1864.

Chap. CLXVIII. — *An Act to provide for the Repair and Preservation of certain Public Works of the United States.*

Appropriation to preserve certain public works on northern lakes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the treasury not otherwise appropriated, the sum of two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War, in protecting the commerce of the lakes by causing the public works connected with the harbors on Lakes Champlain, Ontario, Erie, St. Clair, Huron, Michigan, and Superior, to be repaired and made useful for purposes of commerce and navigation, so far as the same, in his judgment, may be necessary.

SEC. 2. *And be it further enacted*, That there be, and hereby is, appropriated, out of any money in the treasury not otherwise appropriated, the further sum of one hundred thousand dollars, to be expended under the direction of the Secretary of War, in repairing and rendering useful for purposes of commerce and navigation such of the public works connected with the harbors on the seaboard of the United States as may, in his judgment, need such expenditure.

Appropriations to preserve certain public works on the seaboard.

APPROVED, June 28, 1864.

CHAP. CLXIX. — *An Act to incorporate the Colored Catholic Benevolent Society.*

June 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Basil Mullen, John Warren, William H. Wheeler, Charles Dyson, James M. Ferrell, David Adkins, William Queen, John H. Butler, William Ford, and their associates and successors, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the Colored Catholic Male Benevolent Society, located in the city of Washington, and by its corporate name shall have perpetual succession, with power to sue and be sued, to implead and be impleaded, in any court of the United States, or of the District of Columbia, of competent jurisdiction, to receive subscriptions, gifts, and benefits, and to make such rules and by-laws as shall be necessary and expedient for the government of the society, and to alter the same from time to time in such mode as shall be prescribed therein: *Provided, always*, That such rules and by-laws shall be in nowise inconsistent with the constitution or laws of the United States, or with the objects of the society. The objects of the society are hereby declared to be to provide for the care and comfort of such members as shall be sick, disabled, or dependent, and of the families of such members, in cases where the officers of such society shall deem it expedient, and also to provide for the decent interment of such persons as may die in membership of such society, or belonging to the families of such members.

Colored Catholic Male Benevolent Society incorporated.

Objects, powers, and duties.

SEC. 2. *And be it further enacted*, That said society shall have power to hold real estate, or personal and mixed estate, by purchase, gift, or devise, for the purposes of such society and no other, and to lease, sell, or convey such real estate or mixed estate, or personal property, as may be devised or donated to such society, and the leasing or sale of which will promote the interests of said society.

May hold, &c., real and personal estate.

SEC. 3. *And be it further enacted*, That congress shall have the right, at any time, to modify, amend, or repeal this act.

Act may be altered or repealed.

APPROVED, June 28, 1864.

CHAP. CLXX. — *An Act repealing certain Provisions of Law concerning Seamen on board public and private Vessels of the United States.*

June 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved the third of March, one thousand eight hundred and thirteen, as makes it not lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States or person[s] of color, natives of the United States; and so much of the third, fifth, sixth, and seventh sections of "An act concerning the navigation of the United States," approved the first of March, one thousand eight hundred and seventeen, as concerns the crews of vessels therein named; and so much of the first section of an act entitled "An act to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels," approved the thirty-first of May, one thousand eight

Certain laws respecting seamen on board U. S. vessels, repealed.

1813, ch. 42. Vol. ii. p. 809.

1817, ch. 31, §§ 3, 5, 6, 7. Vol. iii. p. 351.

1830, ch. 219, § 1. Vol. iv. p. 425.

hundred and thirty, as makes discrimination in favor of vessels certain proportions of whose crews shall be citizens of the United States, shall be, and the same are hereby, repealed: *Provided, however*, That officers of vessels of the United States shall in all cases be citizens of the United States.

Officers of United States vessels to be citizens.

Approved, June 28, 1864.

June 30, 1864.

Chap. CLXXI.—*An Act to increase Duties on Imports, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the first day of July, Anno Domini eighteen hundred and sixty-four, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:—

Duties on imports in lieu of former duties.

Teas. First. On teas of all kinds, twenty-five cents per pound.

Sugar. Second. On all sugar not above number twelve, Dutch standard in color, three cents per pound.

On all sugar above number twelve, and not above number fifteen, Dutch standard in color, three cents and a half per pound.

On all sugar above number fifteen, not stove-dried, and not above number twenty, Dutch standard in color, four cents per pound.

Standard of sugars. On all refined sugar in form of loaf, lump, crushed, powdered, pulverized, or granulated, and all stove-dried or other sugar above number twenty, Dutch standard in color, five cents per pound: *Provided*, That the standard by which the color and grades of sugar are to be regulated shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.

Sugar-candy and confectionery. On sugar-candy, not colored, ten cents per pound. On all other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, valued at thirty cents per pound or less, fifteen cents per pound. On all confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound, fifty per centum ad valorem.

Molasses and sirups. Third. On molasses from sugar-cane, eight cents per gallon. On sirup of sugar-cane juice, melado, concentrated melado, or concentrated molasses, two cents and a half per pound: *Provided*, That all sirups of sugar or sugar-cane, cane juice, concentrated molasses, or concentrated melado, entered under the name of molasses, or any other name than sirup of sugar, or of sugar-cane, cane juice, concentrated molasses, or concentrated melado, shall be liable to forfeiture to the United States, and the same shall be forfeited.

Sec. 2. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:—

Brandy. First. On brandy, for first proof, two dollars and fifty cents per gallon.

Post, p. 492.

Spirits. On other spirits, manufactured or distilled from grain or other materials, for first proof, two dollars per gallon.

Cordials and liqueurs. On cordials, and liqueurs of all kinds, and arrack, absynthe, kirschenwasser, ratafia, and other similar spirituous beverages, not otherwise provided for, two dollars per gallon.

Bay rum. On bay rum, one dollar and fifty cents per gallon.

Wines. On wines of all kinds, valued at not over fifty cents per gallon, twenty

cents per gallon and twenty-five per centum ad valorem; valued at over fifty cents and not over one dollar per gallon, fifty cents per gallon and twenty-five per centum ad valorem; valued at over one dollar per gallon, one dollar per gallon and twenty-five per cent. ad valorem: *Provided*, That no champagne or sparkling wines, in bottles, shall pay a less rate of duty than six dollars per dozen bottles, each bottle containing not more than one quart and more than one pint, or six dollars per two dozen bottles, each bottle containing not more than one pint. Wines. Proviso.

On all spirituous liquors, not otherwise enumerated, one hundred per centum ad valorem: *Provided*, That no lower rate or amount of duty shall be levied, collected, and paid, on brandy, spirits, and other spirituous beverages, than that fixed by law for the description of first proof, but shall be increased in proportion for any greater strength than the strength of first proof; and no brandy, spirits, or other spirituous beverages under first proof shall pay a less rate of duty than fifty per centum ad valorem: *Provided, further*, That all imitations of brandy, or spirits, or of wines imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon: *And provided, further*, That brandies, or other spirituous liquors, may be imported in bottles when the package shall contain not less than one dozen; and all bottles shall pay a separate duty of two cents each, whether containing wines, brandies, or other spirituous liquors subject to duty as hereinbefore mentioned. Spirituous liquors not otherwise enumerated. *Post*, p. 492. Lowest duty to be on first proof, &c. Proviso. Proviso.

Second. On ale, porter, and beer, in bottles, thirty-five cents per gallon; otherwise than in bottles, twenty cents per gallon. Ale, porter, and beer.

Third. On cigars of all kinds, valued at fifteen dollars or less per thousand, seventy-five cents per pound and twenty per centum ad valorem; valued at over fifteen dollars and not over thirty dollars per thousand, one dollar and twenty-five cents per pound and thirty per centum ad valorem; valued at over thirty dollars and not over forty-five dollars per thousand, two dollars per pound and fifty per centum ad valorem; valued at over forty-five dollars per thousand, three dollars per pound and sixty per centum ad valorem: *Provided*, That paper cigars or cigarettes, including wrappers, shall be subject to the same duties imposed on cigars. Cigars. Proviso.

On snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented, or otherwise, of all descriptions, fifty cents per pound. Snuff, &c.

On tobacco in leaf, unmanufactured and not stemmed, thirty-five cents per pound. Tobacco.

On tobacco manufactured, of all descriptions, and stemmed tobacco not otherwise provided for, fifty cents per pound. *Post*, p. 493.

SEC. 3. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise, herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say: —

On bar iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three eighths of an inch or more than two inches thick; rounds not less than three fourths of an inch nor more than two inches in diameter; and squares not less than three fourths of an inch nor more than two inches square, one cent per pound. On bar iron, rolled or hammered, comprising flats less than three eighths of an inch or more than two inches thick or less than one inch or more than six inches wide; rounds less than three fourths of an inch or more than two inches in diameter; and squares less than three fourths of an inch or more than two inches square, one cent and one half per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms, less finished than iron in bars, and more advanced than pig iron, except castings, shall be rated as iron in bars, and pay a duty accordingly: *And provided, fur-* Bar-iron, &c. Proviso.

ther, That none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem.

Railroad-iron, &c. *Post*, p. 493.

On all iron imported in bars for railroads and inclined planes, made to patterns and fitted to be laid down on such roads or planes without further manufacture, sixty cents per one hundred pounds. On boiler or other plate iron not less than three sixteenths of an inch in thickness, one cent and a half per pound.

Wire.

On iron wire, bright, coppered, or tinned, drawn and finished, not more than one fourth of an inch in diameter, not less than number sixteen, wire gauge, two dollars per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over number sixteen and not over number twenty-five, wire gauge, three dollars and fifty cents per one hundred pounds, and in addition thereto fifteen per centum ad valorem: *Provided*, That wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates.

Sheet-iron.

On smooth or polished sheet-iron, by whatever name designated, three cents per pound. On sheet-iron, common or black, not thinner than number twenty, wire gauge, one cent and one fourth of one cent per pound; thinner than number twenty, and not thinner than number twenty-five, wire gauge, one cent and a half per pound; thinner than number twenty-five, wire gauge, one cent and three fourths of one cent per pound.

Tin plates.

On tin plates, and iron galvanized or coated with any metal by electric batteries, or otherwise, two cents and a half per pound.

Band, &c., iron.

On all band, hoop, and scroll iron from one half to six inches in width, not thinner than one eighth of an inch, one and one fourth cent per pound.

On all band, hoop, and scroll iron from one half to six inches wide, under one eighth of an inch in thickness, and not thinner than number twenty, wire gauge, one and one half cent per pound.

On all band, hoop, and scroll iron thinner than number twenty, wire gauge, one and three fourths cent per pound.

Slit rods.

On slit rods one cent and one half per pound, and on all other descriptions of rolled or hammered iron not otherwise provided for, one cent and one fourth per pound.

Locomotive tire.

On locomotive tire, or parts thereof, three cents per pound.

Wrought iron.

On mill-irons and mill-cranks of wrought iron, and wrought iron for ships, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more, two cents per pound.

Anvils and cables.

On anvils and on iron cables, or cable chains, or parts thereof, two cents and a half per pound.

Chains, &c.

On chains, trace chains, halter-chains, and fence-chains, made of wire or rods, not less than one fourth of one inch in diameter, two cents and a half per pound; less than one fourth of one inch in diameter, and not under number nine, wire gauge, three cents per pound; under number nine, wire gauge, thirty-five per centum ad valorem.

Anchors.

On anchors, or parts thereof, two cents and one fourth per pound.

Hammers, &c.

On blacksmiths' hammers and sledges, axles, or parts thereof, and malleable iron in castings, not otherwise provided for, two cents and a half per pound.

Railroad chairs.

On wrought-iron railroad chairs, and wrought-iron nuts and washers, ready punched, two cents per pound.

Screws, &c.

On bed-screws and wrought-iron hinges, two cents and a half per pound.

Nails, spikes, tacks, &c.

On wrought board-nails, spikes, rivets, and bolts, two and one half cents per pound.

On cut nails and spikes, one and a half cent per pound.

On horseshoe nails, five cents per pound.

On cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, two and one half cents per thousand; exceeding sixteen ounces to the thousand, three cents per pound.

Steam and gas tubes. *Post*, p. 493.

On steam, gas, and water *tubs* [tubes] and flues, of wrought iron, two cents and a half per pound.

Wood screws.

On screws, commonly called wood screws, two inches or over in length, eight cents per pound; less than two inches in length, eleven cents per pound.

On screws of any other metal than iron, and all other screws of iron, except wood screws, thirty-five per centum ad valorem.

Pig-iron.

On iron in pigs, nine dollars per ton.

Vessels of cast-iron.

On vessels of cast-iron, not otherwise provided for, and on andirons, sad-irons, tailors' and hatters' irons, stoves and stove-plates, of cast iron, one and one half cent per pound.

Steam, &c., pipe.

On cast-iron steam, gas, and water-pipe, one and one half cent per pound.

On cast-iron butts and hinges, two and a half cents per pound.

Hollow ware.

On hollow ware, glazed or tinned, three and one half cents per pound.

On all other castings of iron, not otherwise provided for, thirty per centum ad valorem.

Other manufactures of iron.

On all manufactures of iron, not otherwise provided for, thirty-five per centum ad valorem.

Scrap-iron.

What to be deemed old iron.

On old scrap-iron, eight dollars per ton: *Provided*, That nothing shall be deemed old iron that has not been in actual use and fit only to be remanufactured.

Steel.

On steel, in ingots, bars, coils, sheets, and steel wire, not less than one fourth of one inch in diameter, valued at seven cents per pound or less, two cents and one fourth per pound; valued at above seven cents and not above eleven cents per pound, three cents per pound; valued at above eleven cents per pound, three cents and a half per pound, and ten per centum ad valorem.

Steel-wire.

On steel wire less than one fourth of an inch in diameter and not less than number sixteen, wire gauge, two and one half cents per pound, and in addition thereto twenty per centum ad valorem; less or finer than number sixteen, wire gauge, three cents per pound, and in addition thereto twenty per centum ad valorem.

On steel in any form, not otherwise provided for, thirty per centum ad valorem.

Skates.

On skates costing twenty cents or less per pair, eight cents per pair; costing over twenty cents per pair, thirty-five per centum ad valorem.

Saws.

On cross-cut saws, ten cents per lineal foot.

On mill, pit, and drag saws, not over nine inches wide, twelve and a half cents per lineal foot.

On all hand-saws not over twenty-four inches in length, seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over twenty-four inches in length, one dollar per dozen, and in addition thereto thirty per centum ad valorem.

On all back-saws not over ten inches in length, seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over ten inches in length, one dollar per dozen, and in addition thereto thirty per centum ad valorem.

Files, &c.

On files, file blanks, rasps, and floats of all descriptions, not exceeding ten inches in length, ten cents per pound, and in addition thereto thirty per centum ad valorem; exceeding ten inches in length, six cents per pound, and in addition thereto thirty per centum ad valorem.

Knives.

On pen-knives, jack-knives, and pocket-knives of all kinds, fifty per centum ad valorem.

Needles.

On needles for knitting or sewing-machines, one dollar per thousand, and in addition thereto thirty-five per centum ad valorem.

Squares.

On iron squares marked on one side, three cents per pound, and in addition thereto thirty per centum ad valorem; on all other squares of iron or steel, six cents per pound, and thirty per centum ad valorem.

Manufactures of steel.

On all manufactures of steel, or of which steel shall be a component part, not otherwise provided for, forty-five per centum ad valorem: *Provided*, That all articles of steel partially manufactured, or of which steel

shall be a component part, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured.

Bituminous coal. On bituminous coal, and shale, one dollar and twenty-five cents for a ton of twenty-eight bushels, eighty pounds to the bushel; on all other coal, forty cents per ton of twenty-eight bushels, eighty pounds to the bushel.

Coke, &c. On coke and culm of coal, twenty-five per centum ad valorem.

Lead. On lead, in pigs and bars, two cents per pound.

On old scrap-lead, fit only to be remanufactured, one cent and one half per pound.

On lead in sheets, pipes, or shot, two and three quarter cents per pound.

Pewter. On pewter, when old and fit only to be remanufactured, two cents per pound.

Lead ore. On lead ore, one and a half cents per pound.

Copper. On copper in pigs, bars, or ingots, two and a half cents per pound.

On sheathing-copper, in sheets forty-eight inches long and fourteen inches wide, weighing from fourteen to thirty-four ounces per square foot, three and a half cents per pound.

On copper rods, bolts, nails, spikes, copper bottoms, copper in sheets or plates, called braziers' copper, and other sheets of copper not otherwise provided for, thirty-five per centum ad valorem.

Zinc, &c. On zinc, spelter, or teutenegue, manufactured in blocks or pigs, one and a half cent per pound.

On zinc, spelter, or teutenegue in sheets, two and one quarter cents per pound.

Diamonds, &c. On diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, when not set, a duty of ten per centum ad valorem.

Sec. 4. *And be it further enacted*, That on and after the day and year aforesaid, there shall be levied, collected, and paid on the importation of the articles hereinafter mentioned, the following duties, that is to say: On

Wool, &c. all wool, unmanufactured, and all hair of the alpaca, goat, and other like animals, unmanufactured, the value whereof at the last port or place from whence exported to the United States, exclusive of charges in such ports, shall be twelve cents or less per pound, three cents per pound; exceeding twelve cents and not exceeding twenty-four cents per pound, six cents per pound; exceeding twenty-four cents per pound, and not exceeding thirty-two cents, ten cents per pound, and in addition thereto ten per centum ad valorem; exceeding thirty-two cents per pound, twelve cents per pound,

Proviso. and in addition thereto ten per centum ad valorem: *Provided*, That any wool of the sheep, or hair of the alpaca, the goat, and other like animals which shall be imported in any other than the ordinary condition, as now and heretofore practised, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any foreign substance, shall be subject to pay a duty of twelve cents per pound and ten per centum ad valorem,

Proviso. anything in this act to the contrary notwithstanding: *Provided, further*, That when wool of different qualities is imported in the same bale, bag, or package, and the aggregate value of the contents of the bale, bag, or package shall be appraised by the appraisers at a rate exceeding twenty-four cents per pound, it shall be charged with a duty of ten cents per pound and ten per centum ad valorem; and when bales of different qualities are embraced in the same invoice at the same price, whereby the average price shall be lessened more than ten per centum, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in conse-

Proviso. quence of being invoiced with wool of lower value: *And provided, further*, That wool which shall be imported scoured, shall pay, in lieu of the duties herein provided, three times the amount of such duties.

Sheepskins. Second. On sheepskins, raw or unmanufactured, imported with the wool on, washed or unwashed, shall be subject to a duty of twenty per centum ad valorem; and on flocks, waste, or shoddy, three cents per pound.

SEC. 5. *And be it further enacted*, That on and after the day and year aforesaid, there shall be levied, collected, and paid on the importation of the articles hereinafter mentioned, the following duties, that is to say: —

First. On Wilton, Saxony, and Aubusson, Axminster, patent velvet, Tournay velvet, and tapestry velvet carpets and carpeting, Brussels carpets wrought by the Jacquard machine, and all medallion or whole carpets, valued at one dollar and twenty-five cents or under per square yard, seventy cents per square yard; valued at over one dollar and twenty-five cents per square yard, eighty cents per square yard: *Provided*, That no carpeting, carpets, or rugs of the foregoing description shall pay a duty of less than fifty per centum ad valorem. On Brussels and tapestry Brussels carpets and carpetings, printed on the warp or otherwise, fifty cents per square yard. On all treble ingrain, three-ply, and worsted chain Venetian carpets and carpeting, forty cents per square yard. On yarn Venetian and two-ply ingrain carpets and carpeting, thirty-five cents per square yard. On hemp or jute carpeting, six and a half cents per square yard. On druggets, bockings, and felt carpets and carpeting, printed, colored, or otherwise, twenty-five cents per square yard. On carpets and carpeting of wool, flax, or cotton, or parts of either, or other material not otherwise specified, forty per centum ad valorem: *Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings, shall be subject to the rate of duty herein imposed on carpets or carpetings of like character or description, and on all other mats, screens, hassocks and rugs, forty-five per centum ad valorem.

Carpets and carpeting.

Proviso.

Proviso.

Second. On woollen cloths, woollen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not otherwise provided for, twenty-four cents per pound, and in addition thereto forty per centum ad valorem. On goods of like description, when valued at over two dollars per square yard, a duty, in addition to the foregoing rates, of five per centum ad valorem: *Provided*, That goods of like description, composed of worsted, the hair of the alpaca, goat, or other like animals, and weighing over eight ounces to the square yard, shall be subject to pay the same duties and rates of duty herein provided for woollen cloths. On endless belts or felts for paper, and blanketing for printing-machines, twenty cents per pound, and in addition thereto thirty-five per centum ad valorem. On flannels, uncolored, valued at thirty cents or less per square yard, twenty-four cents per pound, and thirty per centum ad valorem; valued at above thirty cents per square yard, and on all flannels, colored, printed, or plaided, not otherwise provided for, and flannels composed in part of cotton, twenty-four cents per pound and thirty-five per centum ad valorem. On flannels composed in part of silk, fifty per centum ad valorem. On hats of wool, twenty-four [cents] per pound, and in addition thereto thirty-five per centum ad valorem. On woollen and worsted yarn, valued at fifty cents and not over one dollar per pound, twenty cents per pound, and in addition thereto twenty-five per centum ad valorem; valued at over one dollar per pound, twenty-four cents per pound, and in addition thereto thirty per centum ad valorem. On woollen and worsted yarn, valued at less than fifty cents per pound, and not exceeding in fineness number fourteen, sixteen cents per pound, and in addition thereto twenty-five per centum ad valorem. On clothing, ready-made, and wearing apparel of every description, composed wholly or in part of wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except hosiery, twenty-four cents per pound, and in addition thereto forty per centum ad valorem. On blankets of all kinds, made wholly or in part of wool, valued at not exceeding twenty-eight cents per pound, twelve cents per pound, and in addition thereto twenty per centum ad valorem; valued at above twenty-eight cents and not exceeding forty cents per pound, twenty-four cents per pound and twenty-five per centum ad valorem; valued above forty cents per pound, twenty-four cents per pound and thirty per centum ad valorem.

Woollen cloths and manufactures of wool.

Proviso.

Alpaca.

Belts, &c.

Flannels.

Hats.

Yarns.

Ready-made clothing.

Blankets.

On Balmorals, and goods of similar description, or used for like purposes, composed of wool, worsted, or any other material, twenty-four cents per pound, and in addition thereto thirty-five per centum ad valorem.

Women's, &c., dress-goods.

On women's and children's dress-goods, composed wholly or in part of wool, worsted, mohair, alpaca, or goats' hair, gray or uncolored, not exceeding in value the sum of thirty cents per square yard, four cents per square yard, and in addition thereto twenty-five per centum ad valorem; exceeding in value thirty cents per square yard, six cents per square yard, and in addition thereto thirty per centum ad valorem.

On all goods of the last-mentioned description, if stained, colored, or printed, not exceeding in value the sum of thirty cents per square yard, four cents per square yard, and thirty per centum ad valorem; exceeding in value thirty cents per square yard, six cents per square yard, and in addition thereto thirty-five per centum ad valorem.

Shirts, drawers and hosiery.

On shirts, drawers, and hosiery of wool, or of which wool shall be a component material, not otherwise provided for, twenty cents per pound, and in addition thereto thirty per centum ad valorem.

Manufactures of worsted, &c.

On bunting and on all other manufactures of worsted, mohair, alpaca, or goats' hair, or of which worsted, mohair, alpaca, or goats' hair shall be a component material, not otherwise provided for, fifty per centum ad valorem.

Lastings.

On lastings, mohair cloth, silk, twist, or other manufacture of cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons, exclusively, not combined with India rubber, ten per centum ad valorem.

Oil-cloths.

On oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty per centum ad valorem; valued at over fifty cents per square yard, and on all other oil-cloth, except silk oil-cloth, forty per centum ad valorem.

Sec. 6. *And be it further enacted*, That on and after the day and year aforesaid there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: —

Cotton.

First. On cotton, raw or unmanufactured, two cents per pound.

Post, p. 493.

Manufactures of cotton.

[Amended, *Post*, pp. 491, 492.]

Second. On all manufactures of cotton, (except jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, and goods of like description,) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and in addition thereto ten per centum ad valorem. On finer and lighter goods of like description, exceeding one hundred threads and not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and in addition thereto twenty per centum ad valorem. On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and in addition thereto twenty per centum ad valorem.

Jeans, drillings, &c.

Post, p. 492.

Third. On all cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and in addition thereto ten per centum ad valorem. On finer or lighter goods of like description, exceeding one

hundred threads and not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and in addition thereto fifteen per centum ad valorem. On goods of like description exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and in addition thereto fifteen per centum ad valorem: *Provided*, That upon all plain woven cotton goods not included in the foregoing schedules, unbleached valued at over sixteen cents per square yard, bleached valued at over twenty cents per square yard, colored valued at over twenty-five cents per square yard, and cotton jeans, denims, and drillings unbleached valued at over twenty cents per square yard, and all other cotton goods of every description, the *the* value of which shall exceed twenty-five cents per square yard, there shall be levied, collected and paid a duty of thirty-five per centum ad valorem: *And provided, further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

Jeans, drillings, &c.

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Proviso.

Fourth. On spool-thread of cotton, six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and in addition thereto thirty per centum ad valorem; exceeding one hundred yards, for every additional hundred yards of thread on each spool, or fractional part thereof in excess of one hundred yards, six cents per dozen, and thirty per centum ad valorem.

Spool-thread.

Post, p. 492.

On cotton shirts and drawers, woven or made on frames, and on all cotton hosiery, thirty-five per centum ad valorem.

Shirts and drawers.

On cotton velvet, thirty-five per centum ad valorem.

Cotton velvet.

On cotton braids, insertings, lace, trimming, or bobbinet, and all other manufactures of cotton, not otherwise provided for, thirty-five per centum ad valorem.

Braids, &c.

SEC. 7. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —

First. On brown and bleached linens, ducks, canvas, paddings, cotton bottoms, burlaps, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not otherwise provided for, valued at thirty cents or less per square yard, thirty-five per centum ad valorem; valued at above thirty cents per square yard, forty per centum ad valorem. On flax or linen yarns for carpets, not exceeding number eight Lea, and valued at twenty-four cents or less per pound, thirty per centum ad valorem. On flax or linen yarns valued at above twenty-four cents per pound, thirty-five per centum ad valorem. On flax or linen thread, twine and pack-thread, and all other manufactures of flax, or of which flax shall be the component material of chief value, not otherwise provided for, forty per centum ad valorem.

Linens, duck, &c., and manufactures of flax, &c.

Second. On tarred cables or cordage, three cents per pound. On untarred Manilla cordage, two and a half cents per pound. On all other untarred cordage, three and a half cents per pound. On hemp yarns, five cents per pound. On coir yarn, one and a half cent per pound. On seines, six and a half cents per pound.

Tarred cables or cordage.

Third. On gunny cloth, gunny bags, and cotton bagging, or other manufacture not otherwise provided for, suitable for the uses to which cotton bagging is applied, composed in whole or in part of hemp, jute, flax, or

Gunny cloth, &c.

Gunny cloth, &c.

other material, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound. On sail duck or canvas for sails, thirty per centum ad valorem. On Russia and other sheetings of flax or hemp, brown and white, thirty-five per centum ad valorem. On all other manufactures of hemp, or of which hemp shall be the component material of chief value, not otherwise provided for, thirty per centum ad valorem. On grass cloth, thirty per centum ad valorem. On jute yarns, twenty-five per centum ad valorem. On all other manufactures of jute or Sisal-grass, not otherwise provided for, thirty per centum ad valorem.

Sec. 8. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —

Spun silk, &c.

On spun silk for filling in skeins or cops, twenty-five per centum ad valorem. On silk in the gum not more advanced than singles, tram, and thrown or organzine, thirty-five per centum ad valorem. On floss silks, thirty-five per centum ad valorem. On sewing-silk in the gum or purified, forty per centum ad valorem. On all dress and piece silks, ribbons, and silk velvets, or velvets of which silk is the component material of chief value, sixty per centum ad valorem. On silk vestings, pongees, shawls, scarfs, mantillas, pelerines, handkerchiefs, veils, laces, shirts, drawers, bonnets, hats, caps, turbans, chemisettes, hose, mitts, aprons, stockings, gloves, suspenders, watch-chains, webbing, braids, fringes, galloons, tassels, cords, and trimmings, sixty per centum ad valorem.

Post, p. 493.

On all manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for, fifty per centum ad valorem.

Sec. 9. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —

Earthen and stoneware.

On all brown earthenware and common stoneware, gas retorts, stoneware not ornamented, twenty-five per centum ad valorem.

China, &c.

On china, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner, fifty per centum ad valorem.

On china, porcelain, and Parian ware, plain white, and not decorated in any manner, forty-five per centum ad valorem; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not otherwise provided for, forty per centum ad valorem.

Slates, &c.

On slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate, forty per centum ad valorem.

Clay, &c.

On unwrought clay, pipe-clay, fire-clay, and kaoline, five dollars per ton.

On fuller's earth, three dollars per ton.

On white chalk and cliff-stone, ten dollars per ton. On red and French chalk, twenty per centum ad valorem. On chalk of all descriptions, not otherwise provided for, twenty-five per centum ad valorem.

On whiting and Paris-white, one cent per pound.

On whiting ground in oil, two cents per pound.

Glass.

On all plain and mould and press glass not cut, engraved, or painted, thirty-five per centum ad valorem.

On all articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, forty per centum ad valorem.

On all unpolished cylinder, crown, and common window-glass, not ex-

ceeding ten by fifteen inches square, one cent and a half per pound; above that and not exceeding sixteen by twenty-four inches square, two cents [per] pound; above that and exceeding twenty-four by thirty inches square, two cents and a half per pound; all above that three cents per pound. Glass.

On cylinder and crown glass, polished, not exceeding ten by fifteen inches square, two and one half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, four cents per square foot; above that, and not exceeding twenty-four by thirty inches square, six cents per square foot; above that, and not exceeding twenty-four by sixty inches, twenty cents per square foot; all above that, forty cents per square foot.

On fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window glass, not exceeding ten by fifteen inches square, seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square, one cent per square foot; above that and not exceeding twenty-four by thirty inches square, one cent and a half per square foot; all above that, two cents per square foot: *Provided*, That all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

On all cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square, three cents per square *per* foot; above that and not exceeding sixteen by twenty-four inches square, five cents per square foot; above that and not exceeding twenty-four by thirty inches square, eight cents per square foot; above that and not exceeding twenty-four by sixty inches square, twenty-five cents per square foot; all above that, fifty cents per square foot.

On all cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square, four cents per square foot; above that and not exceeding sixteen by twenty-four inches square, six cents per square foot; above that and not exceeding twenty-four by thirty inches square, ten cents per square foot; above that and not exceeding twenty-four by sixty inches square, thirty-five cents per square foot; all above that, sixty cents per square foot: *Provided*, That no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed but shall be liable to pay in addition thereto thirty per centum ad valorem upon such frames.

On porcelain and Bohemian glass, glass crystals for watches, paintings on glass or glasses, pebbles for spectacles, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for, forty per centum ad valorem.

SEC. 10. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rate of duty, that is to say: —

First. On annatto seed, extract of annatto, nitrate of barytes, carmined indigo, crude tica, extract of safflower, finishing powder, gold size and patent size, cobalt, oxide of cobalt, smalt, zaffre, and terra alba, twenty per centum ad valorem; on nickel, fifteen per centum ad valorem. Annatto seed, &c.

Second. On albumen, asbestos, asphaltum, crocus colcottra, blue or Roman vitriol or sulphate of copper, bone or ivory drop black, murexide, ultramarine, Indian red, and Spanish brown, twenty-five per centum ad valorem. Albumen, &c.

SEC. 11. *And be it further enacted*, That on and after the day and

year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, and collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —

Acids, &c. On acetic acid, acetous or concentrated vinegar, or pyroligneous acid, exceeding the specific gravity of 1.040, eighty cents per pound; not exceeding the specific gravity of 1.040, known as number eight, twenty-five cents per pound.

On acetate or pyrolignate of ammonia, seventy cents per pound; of baryta, forty cents per pound; of iron, strontia, and zinc, fifty cents per pound; of lead, twenty cents per pound; of magnesia and soda, fifty cents per pound; of lime, twenty-five per centum ad valorem.

On analine dyes, one dollar per pound and thirty-five per centum ad valorem.

On blanc fixe, enamelled white, satin white, lime white, and all combinations of barytes with acids or water, three cents per pound; on carmine lake, dry or liquid, thirty-five per centum ad valorem; on French green, Paris green, mineral green, mineral blue, and Prussian blue, dry or moist, thirty per centum ad valorem.

Almonds. On almonds, six cents per pound; shelled, ten cents per pound.

Manufactures of gold or silver. On articles not otherwise provided for, made of gold, silver, German silver, or platina, or of which either of these metals shall be a component part, forty per centum ad valorem.

Antimony. On antimony, crude, and regulus of antimony, ten per centum ad valorem.

Opium. On opium, two dollars and fifty cents per pound.

On opium prepared for smoking, and the extract of opium, one hundred per centum ad valorem.

Morphine. On morphine and its salts, two dollars and fifty cents per ounce.

Arrowroot, &c. On arrowroot, thirty per centum ad valorem.

Drugs, &c. On brimstone, crude, six dollars per ton.

On brimstone, in rolls, or refined, ten dollars per ton.

On castor beans or seeds per bushel of fifty pounds, sixty cents.

On chicory root, four cents per pound; ground, burnt, or prepared, five cents per pound.

On cassia, twenty cents per pound.

On cassia buds and ground cassia, twenty-five cents per pound.

On cinnamon, thirty cents per pound.

On chloroform, one dollar per pound.

On collodion and ethers of all kinds, not otherwise provided for, and etherial preparations or extracts, fluid, one dollar per pound.

On cologne water and other perfumery, of which alcohol forms the principal ingredient, three dollars per gallon, and fifty per cent. ad valorem.

On cloves, twenty cents per pound; on clove stems, ten cents per pound.

Cloves. On fusel oil, or amylic alcohol, two dollars per gallon.

On Hoffman's anodyne and spirits of nitric ether, fifty cents per pound.

On bristles, fifteen cents per pound; on hogs' hair, one cent per pound;

Bristles. on Istle, or Tampico fibre, one cent per pound.

On brushes of all kinds, forty per centum ad valorem.

On honey, twenty cents per gallon.

Lead. On lead, white or red, and litharge, dry or ground in oil, three cents per pound.

On percussion caps, forty per centum ad valorem.

Lemons. On lemons, oranges, pine-apples, plantains, cocoa-nuts, and fruits preserved in their own juice, and fruit juice, twenty-five per centum ad valorem.

On licorice root, two cents per pound; on licorice paste or licorice in rolls, ten cents per pound.

On nutmegs, fifty cents per pound.

On mace, forty cents per pound.

Oils. On oils, croton, one dollar per pound; olive, in flasks or bottles, and salad, one dollar per gallon; castor, one dollar per gallon; cloves, two dollars per pound; cognac or œnanthic ether, four dollars per ounce.

On peanuts, or ground beans, one cent per pound; shelled, one and a half cents per pound.

On filberts and walnuts, of all kinds, three cents per pound.

Petroleum and illuminating oils. On petroleum and coal illuminating oil, crude, ten cents per gallon. On illuminating oil, and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum, or rock-oil, or other bituminous substances used for like purposes, thirty cents per gallon.

Post, p. 493.

Pepper. On pimento, and black, white, and red or cayenne pepper, fifteen cents per pound; on ground pimento and pepper of all kinds, eighteen cents per pound.

On spirits of turpentine, thirty cents per gallon.

On sulphur, flour of, twenty dollars per ton and fifteen per cent. ad valorem.

On tannin, and tannic acid, two dollars per pound; on gallic acid, one dollar and fifty cents per pound.

On santonine, five dollars per pound.

Salt. On salt in sacks, barrels, and other packages, twenty-four cents per one hundred pounds. On salt in bulk, eighteen cents per one hundred pounds.

On crude *saltpeter*, [saltpetre,] two and one half cents per pound.

On strychnine and its salts, one dollar and one half per ounce.

On taggar's iron, thirty per centum ad valorem.

On vinegar, ten cents per gallon.

On watches, gold or silver, twenty-five per centum ad valorem.

On wood pencils, filled with lead or other materials, fifty cents per gross, and in addition thereto thirty per centum ad valorem.

On ostrich, vulture, cock, and other ornamental feathers, crude or not dressed, colored or manufactured, twenty-five per centum ad valorem; when dressed, colored, or manufactured, fifty per centum ad valorem.

On playing-cards, costing not over twenty-five cents per pack, twenty-five cents per pack; costing over twenty-five cents per pack, thirty-five cents per pack.

Fifty per cent. ad valorem duty on, &c. SEC. 12. *And be it further enacted*, That on and after the day and year aforesaid there shall be levied, collected, and paid a duty of fifty per centum ad valorem on the importation of the articles hereinafter mentioned and embraced in this section, that is to say: —

Anchovies and sardines, preserved in oil or otherwise.

Artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not otherwise provided for, beads and bead ornaments.

Billiard-chalk.

Ginger, preserved or pickled.

Ivory or bone dice, draughts, chess-men, chess-balls, and bagatelle-balls.

Jellies of all kinds.

On kid or other leather gloves of all descriptions, for men's, women's, or children's wear.

On wooden and other toys for children.

SEC. 13. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —

Books, &c. On books, periodicals, pamphlets, blank books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts, twenty-five per centum ad valorem.

On cork, bark or wood, unmanufactured, thirty per centum ad valorem.

On corks, and cork bark manufactured, fifty per centum ad valorem.

On hatters' furs, not on the skin, and dressed furs on the skin, twenty per centum ad valorem. Furs on the skin, undressed, ten per cent. ad valorem.

On fire-crackers, one dollar per box of forty packs, not exceeding eighty to each pack, and in the same proportion for any greater number.

On gutta-percha, manufactured, forty per centum ad valorem.

Gunpowder. On gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, a duty of six cents per pound, and in addition thereto twenty per centum ad valorem; valued above twenty cents per pound, a duty of ten cents per pound, and in addition thereto twenty per centum ad valorem.

Marble. On marble, white statuary, brocatella, sienna, and verdantique, in block, rough or squared, one dollar per cubic foot, and in addition thereto twenty-five per centum ad valorem. On veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared, fifty cents per cubic foot, and in addition thereto twenty per centum ad valorem.

Post, p. 493.

Mineral waters. On mineral or medicinal waters, or waters from springs impregnated with minerals, for each bottle or jug containing not more than one quart, three cents, and in addition thereto twenty-five per centum ad valorem; containing more than one quart, three cents for each additional quart, or fractional part thereof, and in addition thereto twenty-five per centum ad valorem.

On palm-leaf fans, one cent each.

Pipes, &c. On pipes, clay, common or white, thirty-five per centum ad valorem.

On meerschaum, wood, porcelain, lava, and all other tobacco-smoking pipes and pipe-bowls, not herein otherwise provided for, one dollar and fifty cents per gross, and in addition thereto seventy-five per centum ad valorem.

On pipe-cases, pipe-stems, tips, mouthpieces, and metallic mountings for pipes, and all parts of pipes or pipe fixtures, and all smoker's articles, seventy-five per centum ad valorem.

On pen-tips and pen-holders, or parts thereof, thirty-five per centum ad valorem.

On pens, metallic, ten cents per gross, and in addition thereto twenty-five per centum ad valorem.

Soap. On soap, fancy, perfumed, honey, transparent, and all descriptions of toilet and shaving soap, ten cents per pound, and in addition thereto twenty-five per centum ad valorem.

On all soap not otherwise provided for, one cent per pound, and in addition thereto thirty per centum ad valorem.

On starch, made of potatoes or corn, one cent per pound, and twenty per centum ad valorem.

On starch, made of rice, or any other material, three cents per pound, and twenty per centum ad valorem.

On rice, cleaned, two and a half cents per pound; on uncleaned, two cents per pound.

On paddy, one cent and a half per pound.

Decision of collector as to duty to be final, unless written objections are given in ten days.

SEC. 14. *And be it further enacted*, That on the entry of any vessel, or of any goods, wares, or merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such goods, wares, or merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchan-

dise, in the case of duties levied on goods, wares, or merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond, as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury, whose decision on such appeal shall be final and conclusive; and such vessel, goods, wares, or merchandise, or costs and charges, shall be liable to duty accordingly, any act of congress to the contrary notwithstanding, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such goods, wares, or merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the secretary. And no suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless said decision of the secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains.

Decision of Collector to be final unless appeal is made to Secretary of Treasury within thirty days,

and suit brought within ninety days after decision of Secretary.

Suit not to be maintained unless, &c.

SEC. 15. *And be it further enacted*, That the decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those mentioned in the next preceding section, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, charges, or exactions, within the period as provided for in the next preceding section in regard to duties. And no suit shall be maintained in any court for the recovery of any such fees, costs, and charges, alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, nor more than five months in case of an entry west of those mountains.

Decision of collectors as to other matters to be final, unless, &c.

SEC. 16. *And be it further enacted*, That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector, or person acting as such, than the law requires should have been paid, it shall be the duty of the Secretary of the Treasury to draw his warrant upon the treasurer in favor of the person or persons entitled to the overpayment, directing the said treasurer to refund the same out of any money in the treasury not otherwise appropriated.

Secretary of Treasury to refund money paid in excess of duties.

SEC. 17. *And be it further enacted*, That a discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which, on and after the day this act shall take effect, shall be imported in ships or vessels not of the United States: *Provided*, That this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported, on and after the day this act takes effect, in ships or vessels not of the

Discriminating duty of ten per cent. on goods imported in foreign vessels.

Proviso.

United States, entitled, by treaty or any act or acts of congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in ships or vessels of the United States.

Ten per cent. additional on goods grown east of Cape of Good Hope, imported, &c.

Post, p. 493.

SEC. 18. *And be it further enacted*, That on and after the day and year this act shall take effect there shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of countries east of the Cape of Good Hope, (except raw cotton,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem, in addition to the duties imposed on any such articles when imported directly from the place or places of their growth or production: *Provided*, That section three of the act approved August five, eighteen hundred and sixty-one, entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," and section fourteen of the act approved July fourteen, eighteen hundred and sixty-two, entitled "An act increasing temporarily the rates of duties on imports, and for other purposes," be, and the same are hereby, repealed.

Repeal of 1861, ch. 45, § 3. Vol. xii. p. 293. 1862, ch. 163, § 14. Vol. xii. p. 557.

Goods in store and bond subject to what duty.

SEC. 19. *And be it further enacted*, That all goods, wares, and merchandise which may be in the public stores or bonded warehouses on the day and year this act shall take effect shall be subjected to no other duty upon the entry thereof for consumption than if the same were imported respectively after that day, and so much of the act of August sixth, eighteen hundred and forty-six, or any other act, as requires the sale of fire-crackers, or prohibits their deposit in bonded warehouse, is hereby repealed.

1846, ch. 84. Vol. ix. p. 54.

Resolution of April 29 to take effect April 30.

SEC. 20. *And be it further enacted*, That the joint resolution "to increase temporarily the duties on imports," approved April twenty-ninth, eighteen hundred and sixty-four, shall not be deemed to have taken effect until after the thirtieth day of April, eighteen hundred and sixty-four, and shall be and remain in force until and including the thirtieth day of June, eighteen hundred and sixty-four, and any duties which shall have been exacted and received, contrary to the provisions of this section, shall be refunded by the Secretary of the Treasury.

Pub. Res. No. 27. *Post*, p. 405.

Certain machinery may be free of duty, &c.

Post, p. 494.

SEC. 21. *And be it further enacted*, That, during the period of one year from the passage of this act, there may be imported into the United States, free of duty, any machinery designed for and adapted to the manufacture of woven fabrics from the fibre of flax or hemp, including all the preliminary processes requisite therefor; and that steam agricultural machinery and implements may be imported free from duty for one year from the passage of this act.

Repealing clause.

SEC. 22. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed: *Provided*, That the existing laws shall extend to and be in force for the collection of the duties imposed by this act for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained, had been inserted in and reënacted by this act: *And provided, further*, That the duties upon all goods, wares, and merchandise imported from foreign countries not provided for in this act shall be and remain as they were, according to existing laws prior to the twenty-ninth of April, eighteen hundred and sixty-four.

Laws for collection of duties, &c., to be in force.

Duties on goods not provided for by this act.

Importer, at entry of goods, may add to their invoice value.

[Repealed, *post*, p. 494.]

1799, ch. 22, § 36. Vol. i. p. 655.

SEC. 23. *And be it further enacted*, That, on and after the day and year this act shall take effect, it shall be lawful for the owner, consignee, or agent of any goods, wares, or merchandise which shall have been actually purchased, or procured otherwise than by purchase, at the time when he shall produce his original invoice, or invoices, to the collector, and make and verify his written entry of his goods, wares, and merchandise, as provided by section thirty-six of the act of March two, seventeen hun-

dred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage," and not afterwards, to make such addition in the entry to the cost or value given in the invoice as, in his opinion, may raise the same to the true market-value of such goods, wares, and merchandise in the principal markets of the country whence they shall have been imported, and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed. And it shall be the duty of the collector, within whose district the same may be imported, or entered, to cause the dutiable value of such goods, wares, and merchandise to be appraised, estimated, and ascertained, in accordance with the provisions of existing laws. And if the appraised value thereof shall exceed, by ten per centum, or more, the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid a duty of twenty per centum ad valorem on such appraised value: *Provided*, That the duty shall not be assessed upon an amount less than the invoice or entered value, any law of congress to the contrary notwithstanding: *And provided, further*, That, on and after the day and year aforesaid, the eighth section of the act entitled "An act reducing the duty on imports, and for other purposes," approved July thirty, eighteen hundred and forty-six, and the act amendatory thereof, approved March three, eighteen hundred and fifty-seven, be, and the same are hereby, repealed.

Collector to ascertain dutiable value of goods.

Additional duty if value exceeds, &c.

Proviso.

Repeal of 1846, ch. 74, § 8. Vol. ix. p. 43.

1857, ch. 101. Vol. xi. p. 199.

SEC. 24. *And be it further enacted*, That in determining the valuation of goods imported into the United States from foreign countries, except as hereinbefore provided, upon which duties imposed by any existing laws are to be assessed, the actual value of such goods on shipboard at the last place of shipment to the United States shall be deemed the dutiable value. And such value shall be ascertained by adding to the value of such goods at the place of growth, production, or manufacture, the cost of transportation, shipment, and transhipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water, to the vessel in which shipment is made to the United States, the value of the sack, box, or covering of any kind, in which such goods are contained, commission at the usual rate, in no case less than two and one half per centum, brokerage, and all export duties, together with all costs and charges, paid or incurred for placing said goods on shipboard, and all other proper charges specified by law.

Actual value of goods on shipboard at last place of shipment to be dutiable value.

Value, how ascertained.

[Repealed, *post*, p. 494.]

SEC. 25. *And be it further enacted*, That so much of section twenty-three of the act entitled "An act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March two, eighteen hundred and sixty-one, as exempts from duty all philosophical apparatus and instruments imported for the use of any society incorporated for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order of any college, academy, school, or seminary of learning in the United States, is hereby repealed. And the same shall be subject to a duty of fifteen per centum ad valorem.

Duty on philosophical apparatus, &c., for colleges.

Repeal of 1861, ch. 68, § 23. Vol. xii. p. 193.

SEC. 26. *And be it further enacted*, That when any cask, barrel, carboy, or other vessel of American manufacture, exported or sent out of the country, filled with the products of the United States, shall be returned to the United States empty, the same shall be admitted free of duty, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Casks, &c., exported full and returned empty, to be free of duty.

SEC. 27. *And be it further enacted*, That on and after January first, eighteen hundred and sixty-five, the invoices of all goods, wares, and merchandise, imported into the United States, shall be made out in the weights or measures of the country or place from which the importations

Invoices of imports, to be made out in what weights, measures, &c.

shall be made, and shall contain a true statement of the actual weights or measures of such goods, wares, and merchandise, without any respect to the weights or measures of the United States.

Officers of customs, &c., appointed to carry into effect certain licenses, to have $1000 a year additional. 1861, ch. 3, § 5. Vol. xii. p. 257.

SEC. 28. *And be it further enacted*, That in all cases where officers of the customs, or other salaried officers of the United States, shall be, or shall have been, appointed by the Secretary of the Treasury, to carry into effect the licenses, rules, and regulations provided for by the fifth section of the act of the thirteenth of July, eighteen hundred and sixty-one, entitled "An act further to provide for the collection of duties on imports, and for other purposes," such officer of the United States shall be entitled to receive one thousand dollars per annum for his services, under the act aforesaid, in addition to his salary or compensation under any other law: *Provided*, That the aggregate compensation of any such officer shall not exceed the sum of five thousand dollars in any one year.

Proviso.

Personal effects, luggage.

SEC. 29. *And be it further enacted*, That any baggage or personal effects arriving in the United States in transit to any foreign country, may be delivered by the parties having it in charge to the collector of customs, to be by him retained, without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign destination, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXII. — *An Act to provide Ways and Means for the Support of the Government, and for other Purposes.*

1865, ch. 22. *Post*, p. 425. 1865, ch. 77. *Post*, p. 468.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to borrow, from time to time, on the credit of the United States, four hundred millions of dollars, and to issue therefor coupon or registered bonds of the United States, redeemable at the pleasure of the government, after any period not less than five, nor more than thirty, years, or, if deemed expedient, made payable at any period not more than forty years from date. And said bonds shall be of such denominations as the Secretary of the Treasury shall direct, not less than fifty dollars, and bear an annual interest not exceeding six per centum, payable semi-annually in coin. And the Secretary of the Treasury may dispose of such bonds, or any part thereof, and of any bonds commonly known as five-twenties remaining unsold, in the United States, or if he shall find it expedient, in Europe, at any time, on such terms as he may deem most advisable, for lawful money of the United States, or, at his discretion, for treasury notes, certificates of indebtedness, or certificates of deposit issued under any act of congress. And all bonds, treasury notes, and other obligations of the United States shall be exempt from taxation by or under state or municipal authority.

Secretary of Treasury may borrow $400,000,000, and issue bonds, &c.

When redeemable.

Denominations.

Interest semi-annual in coin.

How bonds may be disposed of.

All obligations of the United States to be exempt from taxation.

Secretary may issue, in lieu of part of loan, $200,000,000, treasury notes.

Denomination and when payable.

Interest payable in lawful money.

How may be disposed of.

How far to be legal tender.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury may issue on the credit of the United States, and in lieu of an equal amount of bonds authorized by the preceding section, and as a part of said loan, not exceeding two hundred millions of dollars, in treasury notes of any denomination not less than ten dollars, payable at any time not exceeding three years from date, or, if thought more expedient, redeemable at any time after three years from date, and bearing interest not exceeding the rate of seven and three tenths per centum, payable in lawful money at maturity, or, at the discretion of the secretary, semi-annually. And the said treasury notes may be disposed of by the Secretary of the Treasury, on the best terms that can be obtained, for lawful money; and such of them as shall be made payable, principal and interest, at maturity, shall be a legal tender to the same extent as United States notes for their face value, excluding interest, and may be paid to any creditor of the

United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest; and any treasury notes issued under the authority of this act may be made convertible, at the discretion of the Secretary of the Treasury, into any bonds issued under the authority of this act. And the Secretary of the Treasury may redeem and cause to be cancelled and destroyed any treasury notes or United States notes heretofore issued under authority of previous acts of congress, and substitute, in lieu thereof, an equal amount of treasury notes such as are authorized by this act, or of other United States notes: *Provided*, That the total amount of bonds and treasury notes authorized by the first and second sections of this act shall not exceed four hundred millions of dollars, in addition to the amounts heretofore issued; nor shall the total amount of United States notes, issued or to be issued, ever exceed four hundred millions of dollars, and such additional sum, not exceeding fifty millions of dollars, as may be temporarily required for the redemption of temporary loan; nor shall any treasury note bearing interest, issued under this act, be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money.

Treasury notes to be convertible into bonds.

May be substituted for notes of previous issues.

Amount of bonds and notes not to exceed $400,000,000; of notes not to exceed, &c.

Interest-bearing notes not to be tender for redemption of circulation of banks.

SEC. 3. *And be it further enacted*, That the interest on all bonds heretofore issued, payable annually, may be paid semi-annually; and in lieu of such bonds authorized to be issued, the Secretary of the Treasury may issue bonds bearing interest, payable semi-annually. And he may also issue in exchange for treasury notes heretofore issued bearing seven and three tenths per centum interest, besides the six per centum bonds heretofore authorized, like bonds of all the denominations in which such treasury notes have been issued; and the interest on such treasury notes after maturity shall be paid in lawful money, and they may be exchanged for such bonds at any time within three months from the date of notice of redemption by the Secretary of the Treasury, after which the interest on such treasury notes shall cease. And so much of the law approved March third, eighteen hundred and sixty-four, as limits the loan authorized therein to the current fiscal year, is hereby repealed; and the authority of the Secretary of the Treasury to borrow money and issue therefor bonds or notes conferred by the first section of the act of March third, eighteen hundred and sixty-three, entitled "An act to provide ways and means for the support of the government," shall cease on and after the passage of this act, except so far as it may effect seventy-five millions of bonds already advertised.

Interest of bonds heretofore issued may be paid semi-annually.

Bonds may be issued in exchange for seven and three-tenths notes.

Repeal of part of 1864, ch. 17, § 1. *Ante*, p. 13.

of 1863, ch. 73, § 1. Vol. xii. p. 709.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may authorize the receipt, as a temporary loan, of United States notes or the notes of national banking associations on deposit for not less than thirty days, in sums of not less than fifty dollars, by any of the assistant treasurers of the United States, or depositories designated for that purpose, other than national banking associations, who shall issue certificates of deposit in such form as the Secretary of the Treasury shall prescribe, bearing interest not exceeding six per centum annually, and payable at any time after the term of deposit, and after ten days' subsequent notice, unless time and notice be waived by the Secretary of the Treasury; and the Secretary of the Treasury may increase the interest on deposits at less than six per centum to that rate, or, on ten days' notice to depositors, may diminish the rate of interest as the public interest may require; but the aggregate of such deposits shall not exceed one hundred and fifty millions of dollars; and the Secretary of the Treasury may issue, and shall hold in reserve for payment of such deposits, United States notes not exceeding fifty millions of dollars, including the amount already applied in such payment; and the United States notes, so held in reserve, shall be used only when needed, in his judgment, for the prompt payment of such deposits on demand, and shall be withdrawn and placed again in reserve as the amount of deposits shall again increase.

Secretary of Treasury may receive temporary loans.

Certificates of deposit to be issued therefor.

When payable, and interest.

Aggregate not to exceed, &c.

Reserve for their payment.

Fractional currency may be issued to an amount not over $50,000,000.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury may issue notes of the fractions of a dollar as now used for currency, in such form, with such inscriptions, and with such safeguards against counterfeiting, as he may judge best, and provide for the engraving and preparation, and for the issue of the same, as well as of all other notes and bonds, and other obligations, and shall make such regulations for the redemption of said fractional notes and other notes when mutilated or defaced, and for the receipt of said fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient; and it is hereby declared that all laws and parts of laws applicable to the fractional notes engraved and issued as herein authorized, apply equally and with like force to all the fractional notes heretofore authorized, whether known as postage currency, or otherwise, and to postage-stamps issued as currency; but the whole amount of all descriptions of notes or stamps less than one dollar issued as currency, shall not exceed fifty millions of dollars.

Coupon and registered bonds, to be of what form and how signed.

Seal.

Where to be made.

Coupons.

SEC. 6. *And be it further enacted*, That the coupon and registered bonds shall be in such form and bear such inscriptions as the Secretary of the Treasury may direct, and shall be signed by the register of the treasury, or for the register, by such person or persons as may be specially designated for that purpose by the Secretary of the Treasury, and shall bear, as evidence of lawful issue, the imprint of the seal of the Treasury Department, to be made under the direction of the Secretary of the Treasury, in a room set apart especially and exclusively for that purpose, under the care of some person appointed directly by him. And the coupons attached to such bonds shall bear the engraved signature of the register of the treasury, and such other device or safeguard against counterfeiting as the secretary may approve; and it is hereby declared

Former bonds made valid.

that all bonds hereto[fo]re issued, bearing the signature of the register, shall have the same force, effect, and validity as if signed also by the treasurer, and all bonds bearing the signature of the register, erroneously described as treasurer of the United States, shall have the same force, effect, and validity, as if his official designation had been correctly stated; and all coupons bearing the engraved signature of the register of the treasury in office at the time when such signatures were authorized and engraved, shall have full force, validity, and effect, notwithstanding such register may have subsequently ceased to hold office as such, when issued in connection with bonds duly authorized and signed by or for the successor or successors of said register. And the treasury notes and United States notes authorized by this act shall be in such form as the Secretary

Form, &c., of treasury notes.

of the Treasury shall direct, and shall bear the written or engraved signatures of the treasurer of the United States and the register of the treasury, and shall have printed upon them such statements, showing the amount of accrued or accruing interest and the character of the notes, as the Secretary of the Treasury may prescribe; and shall bear, as a further evidence of lawful issue, the imprint of the seal of the Treasury Department, to be made under the direction of the Secretary of the Treasury, as before directed.

Registered bonds may be issued for coupon.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, registered bonds in exchange for, and in lieu of, any coupon bonds which have been or may hereafter be lawfully issued; such registered bonds to be similar in all respects to the registered bonds issued under the acts authorizing the issue of the coupon

Mutilated, defaced, &c., bonds.

bonds offered for exchange. And for all mutilated, defaced, or indorsed coupon or other bonds presented to the department, the Secretary of the Treasury is authorized to issue, upon terms and under regulations as aforesaid, and in substitution therefor, other bonds of like or equivalent issues.

Instructions, &c., to public officers receiving or preparing U. S. notes, &c.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and required to make and issue, from time to time, such instructions, rules, and regulations, to the several collectors, receivers, depositaries, officers, and others, who may receive treasury notes, United States notes, or other securities in behalf of the United States, or who may be in any way engaged or employed in the preparation and issue of the same, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss.

Expenses of preparing and issuing bonds, notes, &c., how borne;

not to exceed one per cent.

SEC. 9. *And be it further enacted*, That the necessary expenses of engraving, printing, preparing, and issuing the United States notes, treasury notes, fractional notes, and bonds, hereby authorized, and of disposing of the same to subscribers and purchasers, shall be paid out of any money in the treasury not otherwise appropriated; but the whole amount thereof shall not exceed one per centum on the amount of notes and bonds issued.

Penalty for counterfeiting or altering U. S. securities;

for uttering, &c., counterfeit, &c., notes;

SEC. 10. *And be it further enacted*, That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, any obligation or security of the United States, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States from any foreign place with intent to pass, utter, publish, or sell, or shall have or keep in possession, or conceal, with intent to utter, publish, or sell, any such false, forged, counterfeited, or altered obligation, or other security, with intent to deceive or defraud, or shall knowingly aid or assist in any of the acts aforesaid, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement at hard labor not exceeding fifteen years, according to the aggravation of the offence.

for using plates to print notes without authority;

for engraving plates, &c.

SEC. 11. *And be it further enacted*, That if any person having control, custody, or possession of any plate or plates from which any obligation or other security, or any part thereof, shall have been printed, or which may have been prepared by direction from the Secretary of the Treasury, for the purpose of printing any such obligation or other security, or any part thereof, shall use such plate or plates, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except such as shall be printed for the use of the United States, by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid or assist in engraving any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such obligation or other security, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into the United States from any foreign place any such plate or plates, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, or for any other purpose, in either case, than that such plate or plates shall be used for the printing of such notes, bonds, coupons, or other obligations or securities, or some part or parts thereof, for the use of the United States, or shall have in his control, custody, or possession, any metallic plate engraved after the similitude of any plate from which any such obligation or other security, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part or parts thereof, or shall have in his custody or possession, except under authority from the Secretary of the Treasury, or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with in-

Penalty for printing or photographing notes, &c.;

for bringing into the United States such photographed, &c., notes;

tent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, or in any manner made or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, or other print or impression in the likeness or similitude of any obligation or other security, or any part or parts thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression, except by the direction of some proper officer of the United States, or shall have or retain in his custody or possession, after a distinctive paper shall have been adopted by the Secretary of the Treasury for obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under authority of the Secretary of the Treasury, or some other proper officer of the United States, every person so offending shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, or by imprisonment and confinement at hard labor, not exceeding fifteen years, or by both, in the discretion of the court.

for retaining plates, &c., without authority;

SEC. 12. *And be it further enacted*, That if any person shall have or retain in his or her custody, possession, or control, without the written authority or warrant of the Secretary of the Treasury, or of the comptroller of the currency, approved by the Secretary of the Treasury, any engraved or transferred plate, block, or electrotype, or any die, roll, or other original work used in making or preparing any plate, block, or electrotype, or any plate, block, or electrotype prepared or made after the similitude of any plate, block, or electrotype, from which any obligation or other security authorized to be issued by any act of congress, or any part thereof, has been, or may hereafter be, printed,

for using plates, &c., in counterfeiting notes.

or shall use, or cause, or knowingly suffer, the same to be used, in forging or counterfeiting any such obligation or other security, or shall print, or cause to be printed, any bronzed or gilt letters or devices, or shall print, or cause to be printed, any letters, figures, or devices with green ink, or any green color or pigment, upon any note, bond, or other representative of value, intended or adapted to be used as a currency or a circulating medium, every such person, being thereof convicted by due course of law, shall be deemed guilty of felony, and shall be imprisoned and kept at hard labor for a term not more than ten years, and fined in a sum not more than ten thousand dollars: *Provided*, That nothing in this act shall affect any prosecution pending, or any civil or criminal liabilities incurred under any former act: *Provided, further*, That the foregoing provisions of this section shall not be held or construed to deprive any person of the right to retain in his custody and possession and use for any lawful purpose, any engraved or transferred plate, block, or electrotype, or any die, roll, or other original work as aforesaid, which had been used by him in printing or engraving bank-notes or other obligations, before being used in printing any obligation or other security authorized to be issued by any act of congress; nor shall any of said foregoing provisions be held or construed to prohibit or restrain the lawful use by any person of any ink, color, or pigment, the exclusive right to which has been secured to any such person by letters-patent which are still in force.

Pending prosecutions under former act not affected.

Proviso.

Words "obligation or other security, &c.," to include what.

SEC. 13. *And be it further enacted*, That the words "obligation or other security of the United States," used in this act, shall be held to include and mean all bonds, coupons, national currency, United States notes, treasury notes, fractional notes, checks for money of authorized officers of the United States, certificates of indebtedness, certificates of deposit, stamps, and other representatives of value of whatever denomination, which have been or may be issued under any act of congress.

APPROVED, June 30, 1864.

CHAP. CLXXIII. — *An Act to provide Internal Revenue to support the Government, to pay Interest on the Public Debt, and for other Purposes.* June 30, 1864.

1865, ch. 73.
Post, p. 458.
1865, ch. 78.
Post, p. 469.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes, imposed by this act, or which may hereafter be imposed, and of assessing the same, the commissioner of internal revenue, whose annual salary shall be four thousand dollars, shall be charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same, or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes which may be necessary to carry this act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide cotton marks, hydrometers, and proper and sufficient adhesive stamps, and stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this act, and to alter and renew or replace such stamps, from time to time, as occasion shall require. He may also contract for or procure the printing of requisite forms, decisions, regulations, and advertisements; but the printing of such forms, decisions, and regulations shall be done at the public printing-office, unless the public printer shall be unable to perform the work. And the Secretary of the Treasury may, at any time prior to the first day of July, eighteen hundred and sixty-five, assign to the office of the commissioner of internal revenue such number of clerks as he may deem necessary, or the exigencies of the public service may require; and the privilege of franking all letters and documents pertaining to the duties of his office, and of receiving free of postage all such letters and documents, is hereby extended to said commissioner.

Commissioner of internal revenue.

Salary.

Duty.

Authority.

Printing.

Clerks.

Franking privilege.

GENERAL PROVISIONS.

SEC. 2. *And be it further enacted*, That it shall be the duty of the commissioner of internal revenue to pay over daily to the treasurer of the United States all public moneys which may come into his possession, for which the treasurer shall give proper receipts and keep a faithful account; and at the end of each month the said commissioner shall render true and faithful accounts of all public moneys received or paid out, or paid to the treasurer of the United States, exhibiting proper vouchers therefor, and the same shall be received and examined by the fifth auditor of the treasury, who shall thereafter certify the balance, if any, and transmit the accounts, with the vouchers and certificate, to the first comptroller for his decision thereon; and the said commissioner, when such accounts are settled as herein provided for, shall transmit a copy thereof to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the comptroller, or either of them, the inspection of moneys in his hands, and shall, prior to the entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the first comptroller, in a sum of not less than one hundred thousand dollars, payable to the United States, conditioned that said commissioner shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in obedience to law and in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession, and for the safe-keeping and faithful account of all stamps, adhesive stamps, or vellum, parchment or paper bearing a stamp denoting any duty thereon, which bond shall be filed in the office of the first comptroller of the treasury. And such

Commissioner to pay over moneys daily;

to render accounts.

Bond.

commissioner shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct.

Deputy commissioner. Salary and duty.

SEC. 3. *And be it further enacted*, That the deputy commissioner of internal revenue, whose annual salary shall be twenty-five hundred dollars, shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and shall act as commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue.

Revenue agents, their duty and pay. *Post*, p. 469.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may appoint not exceeding five revenue agents, whose duties shall be, under the direction of the Secretary of the Treasury, to aid in the prevention, detection, and punishment of frauds upon the internal revenue, and in the enforcement of the collection thereof, who shall be paid, in addition to the expenses necessarily incurred by them, such compensation as the Secretary of the Treasury may deem just and reasonable, not exceeding two thousand dollars per annum. The above salaries to be paid in the same manner as are other expenses for collecting the revenue.

Inspectors.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury may appoint inspectors in any assessment district where in his judgment it may be necessary for the purposes of a proper enforcement of the internal revenue laws or the detection of frauds, and such inspectors and revenue agents aforesaid shall be subject to the rules and regulations of the said secretary, and have all the powers conferred upon any other officers of internal revenue in making any examination of persons, books, and premises which may be necessary in the discharge of the duties of their office. And the compensation of such inspectors shall be fixed and paid for such time as they may be actually employed, not exceeding four dollars per day, and their just and proper travelling expenses.

Pay.

Cashier of internal revenue. Salary, duty, bond.

SEC. 6. *And be it further enacted*, That the cashier of internal duties, who shall hereafter be called cashier of internal revenue, and whose annual salary shall be twenty-five hundred dollars, shall perform such duties as may be assigned to his office by the commissioner of internal revenue, under the regulations of the Secretary of the Treasury, and shall give a bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the solicitor, that he will faithfully account for all the moneys or other articles of value belonging to the United States which may come into his hands, and perform all the duties enjoined upon his office, according to law and regulations, as aforesaid; which bond shall be deposited with the first comptroller of the treasury.

Act of 1862, ch. 119, § 2, to remain in force. Vol. xii. p. 433.

SEC. 7. *And be it further enacted*, That the second section of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt," approved July one, eighteen hundred and sixty-two, shall remain and continue in full force; and the President is hereby authorized to alter the respective collection districts provided for in said section as the public interests may require.

Collection districts may be altered.

Assessment districts.

SEC. 8. *And be it further enacted*, That each assessor shall divide his district into a convenient number of assessment districts, which may be changed as often as may be deemed necessary, subject to such regulations and limitations as may be imposed by the commissioner of internal revenue, within each of which the Secretary of the Treasury, whenever there shall be a vacancy or the public interest shall require, shall appoint, with the approval of the said commissioner, one assistant assessor, who shall be a resident of the district of said assessor; and in case of a vacancy occurring in the office of assessor by reason of death or any other cause, the assistant assessor of the assessment district in which the assessor resided at the time of the vacancy occurring shall act as assessor until an appointment filling the vacancy shall be made. And each assessor and assistant assessor so appointed shall, before he enters on the duties of

Post, p. 469.

Assistant assessor for each district. Vacancy.

his office, take and subscribe, before some competent magistrate, or some collector, to be appointed by virtue of this act, (who is hereby empowered to administer the same,) the following oath or affirmation, to wit: "I, A B, do swear (or affirm, as the case may be) that I will bear true faith and allegiance to the United States of America, and will support the Constitution thereof, and that I will diligently and faithfully perform the duties of assessor (or assistant assessor) for (naming the assessment district) according to my best skill and judgment." And a certificate of such oath or affirmation shall be delivered to the collector of the district for which such assessor or assistant assessor shall be appointed.

Assessors.

Oath.

SEC. 9. *And be it further enacted*, That before any collector shall enter upon the duties of his office, he shall execute a bond for such amount as shall be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the solicitor of the treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; which bond shall be filed in the office of the first comptroller of the treasury. And such collector shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said commissioner shall prescribe.

Collector's bond.

SEC. 10. *And be it further enacted*, That each collector shall be authorized to appoint, by an instrument of writing under his hand, as many deputies as he may think proper, to be by him compensated for their services, and also to revoke any such appointment, giving such notice thereof as the commissioner of internal revenue shall prescribe; and may require bonds or other securities, and accept the same from such deputy; and each such deputy shall have the like authority, in every respect, to collect the duties and taxes levied or assessed within the portion of the district assigned to him which is by this act vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done by any of his deputies whilst acting as such, and for every omission of duty.

Deputy collectors.

Bond.

Collector responsible for acts of deputy.

SEC. 11. *And be it further enacted*, That it shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, license, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of May in each year, and in other cases before the day of levy, to make a list or return, verified by oath or affirmation, to the assistant assessor of the district where located, of the amount of annual income, the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and aggregate amount, according to the respective provisions of this act, and according to the forms and regulations to be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable to be assessed.

Persons liable to tax to make returns to assistant assessor.

SEC. 12. *And be it further enacted*, That the instructions, regulations, and directions, as hereinbefore mentioned, shall be binding on each assessor and his assistants, and on each collector and his deputies, and on all other persons, in the performance of the duties enjoined by or under this act; pursuant to which instructions the said assessors shall, on the first Monday of May in each year, and from time to time thereafter, in accordance with this act, direct and cause the several assistant assessors to proceed through every part of their respective districts, and inquire after and concerning all persons being within the assessment districts where they

Instructions of commissioner binding upon assessor, &c.

Assistant assessors to make lists of owners and to enumerate and

value objects of taxation.

respectively reside, owning, possessing, or having the care or management of any property, goods, wares, and merchandise, articles or objects liable to pay any duty, stamp, or tax, including all persons liable to pay a license or other duty, under the provisions of this act, and to make a list of the owners, and to value and enumerate the said objects of taxation respectively, by reference to any lists of assessment or collection taken under the laws of the respective states, to any other records or documents, to the written list, schedule, or return required to be made out and delivered to the assistant assessor, and by all other lawful ways and means, in the manner prescribed by this act, and in conformity with the regulations and instructions before mentioned.

Assistant assessors to make lists where owners neglect, but disclose.

SEC. 13. *And be it further enacted*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any license, as aforesaid, then, and in that case, it shall be the duty of the officer to make such list or return, which being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person.

Persons absent when assessors call, to send in list.

SEC. 14. *And be it further enacted*, That in case any person shall be absent from his or her residence or place of business at the time an assistant assessor shall call to receive the annual list or return, it shall be the duty of such assistant assessor to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to present to such assessor the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or return within the time required as aforesaid, or if any person shall not deliver a monthly or other list or return without notice at the time required by law, or if any person shall deliver or disclose to any assessor or assistant assessor any list, statement, or return, which, in the opinion of the assessor, is false or fraudulent, or contains any understatement or undervaluation, it shall be lawful for the assessor to summon such person, his agent, or other person having possession, custody, or care of books of account containing entries relating to the trade or business of such person, or any other persons as he may deem proper, to appear before such assessor and produce such book, at a time and place therein named, and to give testimony or answer interrogatories under oath or affirmation respecting any objects liable to duty or tax as aforesaid, or the lists, statements, or returns thereof, or any trade, business, or profession liable to any tax or license as aforesaid. Such summons may be served by any assistant assessor of the district. In case any person so summoned shall neglect or refuse to obey such summons according to its exigency, or to give testimony, or to answer interrogatories as required, it shall be lawful for the assessor, upon affidavit proving the facts, to apply to the judge of the district court, or a commissioner authorized to perform the duties of such judge at chambers, for an attachment against such person as for a contempt. It shall be the duty of such judge or commissioner to hear such application, and, if satisfactory proof be made, to issue an attachment directed to some proper officer for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case, and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper to enforce obedience to the requirements of

If persons neglect to make lists, or make false ones, assessor to summon, &c.

Penalty for refusal to obey summons, &c.

Arrest for contempt.

the summons and punish such person for his default or disobedience. It shall be the duty of the assessor or assistant assessor of the district within which such person shall have taxable property to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting, or rendering a false or fraudulent list or return, and to make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the assessor, and on his own view and information, such list or return, according to the form prescribed, of the property, goods, wares, and merchandise, and all articles or objects liable to duty or tax, owned or possessed or under the care or management of such person, and assess the duty thereon, including the amount, if any, due for license and income; and in case of the return of a false or fraudulent list or valuation, he shall add one hundred per centum to such duty; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per centum to such duty; and in case of neglect occasioned by sickness or absence as aforesaid, the assessor may allow such further time for making and delivering such list or return as he may judge necessary, not exceeding thirty days; and the amount so added to the duty shall, in all cases, be collected by the collector at the same time and in the same manner with the duties; and the lists or returns so made and subscribed by such assessors or assistant assessors shall be taken and reputed as good and sufficient lists or returns for all legal purposes.

Assessors to make lists and assess duties.

Additions for fraudulent lists, for neglecting to make lists, &c.

Post, p. 469.

SEC. 15. *And be it further enacted*, That if any person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of law any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or if any person who being duly summoned to appear to testify, or to appear and produce such books as aforesaid, shall neglect to appear or to produce said books, he shall, upon conviction thereof before any circuit or district court of the United States, be fined in any sum not exceeding one thousand dollars, or be imprisoned for not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

Penalty for disclosing false lists, neglecting to produce books, &c.

SEC. 16. *And be it further enacted*, That whenever there shall be in any assessment district any property, goods, wares, and merchandise, articles or objects, not owned or possessed by, or under the care or management of, any person within such district, and liable to be taxed as aforesaid, and no list of which shall have been transmitted to the assistant assessor in the manner provided by this act, it shall be the duty of the assistant assessor for such district to enter into and upon the premises where such property is situated, and take such view thereof as may be necessary, and to make lists of the same, according to the form prescribed, which lists, being subscribed by the said assessor, shall be taken and reputed as good and sufficient lists of such property, goods, wares, and merchandise, articles or objects as aforesaid, for all legal purposes.

Property of absent owners, how assessed, &c.

SEC. 17. *And be it further enacted*, That any owner or person having the care or management of property, goods, wares, and merchandise, articles or objects, not lying or being within the assessment district in which he resides, shall be permitted to make out and deliver the lists thereof required by this act (provided the assessment district in which the said objects of duty or taxation are situated is therein distinctly stated) at the time and in the manner prescribed to the assistant assessor of the assessment district wherein such person resides. And it shall be the duty of the assistant assessor who receives any such list to transmit the same to the assistant assessor where such objects of taxation are situate, who shall examine such list; and if he approves the same, he shall return it to the assistant assessor from whom he received it, with his approval thereof; and if he fails to approve the same, he shall make such alterations therein and additions thereto as he may deem to be just and proper, and shall

Owners of property out of the districts in which they reside, may make lists, &c.

Duty of assessors in such cases.

then return the said list to the assistant assessor from whom it was received, who shall proceed, in making the assessment of the tax upon the list by him so received, in all respects as if the said list had been made out by himself.

Lists to be taken with reference to what time, and how named.

SEC. 18. *And be it further enacted*, That the lists aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this act, as aforesaid, and, where duties accrue at other and different times, the lists shall be taken with reference to the time when said duties become due, and shall be denominated annual, monthly, and special lists. And the assistant assessors, respectively, after collecting the said lists, shall proceed to arrange the same, and to make two general lists — the first of which shall exhibit, in alphabetical order, the names of all persons, firms, companies, or corporations liable to pay any duty, tax, or license under this act, residing within the assessment district, together with the value and assessment or enumeration, as the case may require, of the objects liable to duty or taxation within such districts for which each such person is liable, or for which any firm, company, or corporation is liable, with the amount of duty or tax payable thereon; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, who own property within the district, together with the value and assessment or enumeration thereof, as the case may be, with the amount of duty or tax payable thereon as aforesaid. The forms of the said general list shall be devised and prescribed by the assessor, under the direction of the commissioner of internal revenue, and lists taken according to such forms shall be made out by the assistant assessors and delivered to the assessor within thirty days after the day fixed by this act as aforesaid, requiring lists from individuals; or where duties, licenses, or taxes accrue at other and different times, the lists shall be delivered from time to time as they become due.

Two general lists,

of residents;

of non-residents.

Forms of lists.

Assessors to give notice when and where appeals may be heard.

SEC. 19. *And be it further enacted*, That the assessors for each collection district shall, by advertisement in some public newspaper published in each county within said district, if any such there be, if not, then in some newspaper in the collection district nearest thereto, and by notifications to be posted up in at least four public places within each assessment district, advertise, by not less than ten days' notice, all persons concerned, of the time and place within said county when and where appeals will be received and determined relative to any erroneous or excessive valuations, assessments, or enumerations by the assessor or assistant assessor returned in the annual list. And it shall be the duty of the assessor for each collection district, at the time fixed for hearing such appeal, as aforesaid, to submit the proceedings of the assessors and assistant assessors, and the annual lists taken and returned as aforesaid, to the inspection of any and all persons who may apply for that purpose. And the said assessor for each collection district is hereby authorized at any time to hear and determine in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors or assistant assessors: *Provided*, That no appeal shall be allowed to any party after he shall have been duly assessed, and the annual list containing the assessment has been transmitted to the collector of the district. And all appeals to the assessor, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing respecting which a decision is requested, and shall, moreover, state the ground or principle of error complained of. And the assessor shall have power to reëxamine and determine upon the assessments and valuations and rectify the same as shall appear just and equitable; but no valuation, assessment, or enumeration shall be increased without a previous notice of at least five days to the party interested to appear and object to the same, if he judge proper, which notice shall be given by a note in writing to be left at the dwelling-house, office, or place of business of the party by such assessor, assistant assessor,

Lists, &c., to be open to inspection.

Appeals, how to be determined, &c.;

to state what.

Assessments may be rectified; not to be increased unless, &c.

or other person, or sent by mail to the nearest or usual post-office address of said party: *Provided, further*, That on the hearing of appeals it shall be lawful for the assessor to require by summons the attendance of witnesses and the production of books of account in the same manner and under the same penalties as are provided in cases of refusal or neglect to furnish lists or returns. The bills for the attendance and mileage of said witnesses shall be taxed by the assessor and paid by the delinquent parties, or otherwise by the collector of the district, on certificate of the assessor, at the rates usually allowed in said district for witnesses in courts of justice.

Appeals, books, witnesses.

Attendance and mileage.

SEC. 20. *And be it further enacted*, That the said assessors of each collection district, respectively, shall, immediately after the expiration of the time for hearing appeals concerning taxes returned in the annual list, and from time to time as duties, taxes, or licenses become liable to be assessed, make out lists containing the sums payable according to law upon every object of duty or taxation for each collection district; which lists shall contain the name of each person residing within the said district, or owning or having the care or superintendence of property lying within the said district, which is liable to any tax or duty, or engaged in any business or pursuit requiring a license, when such person or persons are known, together with the sums payable by each; and where there is any property within any collection district liable to the payment of the said duty or tax, not owned or occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sum payable, and the names of the respective proprietors, when known. And the assessor making out any such separate list shall transmit to the assessor of the district, where the persons liable to pay such tax reside, or shall have their principal place of business, copies of the list of property held by persons so liable to pay such tax, to the end that the taxes assessed under the provisions of this act may be paid within the collection district where the persons liable to pay the same reside, or may have their principal place of business. And in all other cases the said assessor shall furnish to the collectors of the several collection districts, respectively, within ten days after the time of hearing appeals concerning taxes returned in the annual list, and from time to time thereafter as required, a certified copy of such list or lists for their proper collection districts. And in case it shall be found or discovered by any assessor that the annual list so furnished to the proper collector, as aforesaid, is imperfect or incomplete, owing to the names of persons, firms, corporations, or objects liable to tax or duty being omitted therefrom, the said assessor may, from time to time, at any time thereafter, enter on a special list all such objects of duty or taxation, with the names of persons owning or having the care or superintendence of property lying within said district liable to said tax or duty, or engaged in any business or pursuit requiring a license, with the sums payable by each, as he shall discover to have been omitted as aforesaid; and the same proceedings shall obtain and be had with respect to such objects of duty or tax as are by this act required in respect to objects of duty or taxes, and persons liable to tax regularly entered and returned on any monthly or special list: *Provided*, That the office or principal place of business of the said assessor shall be always open when he is not necessarily absent therefrom during the business hours of each day, for the hearing of appeals by parties who shall appear voluntarily before him: *Provided, further*, That it shall be in the power of the commissioner of internal revenue to exonerate any assessor as aforesaid from forfeitures, in whole or in part, as to him shall appear just and equitable.

Assessors to make out lists.

Contents of lists.

Lists of non-residents.

Lists to be sent to collector in ten days.

If lists are imperfect, special lists may be made.

Provisos.

SEC. 21. *And be it further enacted*, That every assessor or assistant assessor who shall enter upon and perform the duties of his office without having taken the oath or affirmation prescribed by this act, or who shall

Penalty upon assessors and assistant assessors

for acting without taking oath, &c.

wilfully neglect to perform any of the duties prescribed by this act at the time and in the manner herein designated, or who shall knowingly make any false or fraudulent list or valuation or assessment, or shall demand or receive any compensation, fee, or reward, other than those provided for herein, for the performance of any duty, or shall be guilty of extortion or wilful oppression in office, shall, upon conviction thereof in any circuit or district court of the United States having jurisdiction thereof, be subject to a fine of not exceeding one thousand dollars, or to imprisonment for not exceeding one year, or both, at the discretion of the court, and shall be dismissed from office, and shall be forever disqualified from holding any office under the government of the United States. And one half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court; and the said court shall also render judgment against the said assessor or assistant assessor for the amount of damages sustained in favor of the party injured, to be collected by execution.

Pay of assessors.

SEC. 22. *And be it further enacted*, That there shall be allowed and paid to the several assessors a salary of fifteen hundred dollars per annum, payable quarterly. And in addition thereto, where the receipts of the collection district shall exceed the sum of one hundred thousand dollars and shall not exceed the sum of four hundred thousand dollars annually, one half of one per centum upon the excess of receipts over one hundred thousand dollars. Where the receipts of a collection district shall exceed four hundred thousand dollars and shall not exceed six hundred thousand, one fifth of one per centum upon the excess of receipts over four hundred thousand dollars. Where the receipts shall exceed six hundred thousand dollars, one tenth of one per centum upon such excess; but the salary of no assessor shall, in any case, exceed the sum of four thousand dollars.

Certain expenses to be allowed.

And the several assessors shall be allowed and paid the sums actually and necessarily expended, with the approval of the commissioner of internal revenue; but no account for such rent shall be allowed or paid until it shall have been verified in such manner as the commissioner shall require, and shall have been audited and approved by the proper officers of the treasury department, for office-rent, not exceeding the rate of five hundred dollars per annum. And the several assessors shall be paid, after the account thereof shall have been rendered to, and approved by, the proper officers of the treasury, their necessary and reasonable charges

Clerk-hire.

for clerk-hire; but no such account shall be approved unless it shall state the name or names of the clerk or clerks employed, and the precise periods of time for which they were respectively employed, and the rate of compensation agreed upon, and shall be accompanied by an affidavit of the assessor stating that such service was actually required by the necessities of his office, and was actually rendered; and also by the affidavit of each clerk, stating that he has rendered the service charged in such account on his behalf, the compensation agreed upon, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof. And the chief clerk of any such assessor is hereby authorized to administer, in the absence of the assessor, such oaths or affirmations as are required by this act. And there shall be allowed and paid to each assistant

Pay of assistant assessors.

assessor four dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor; and three dollars for every hundred persons assessed contained in the tax list, as completed and delivered by him to the assessor; and twenty-five cents for each permit granted to any tobacco, snuff, or cigar manufacturer; and the said assessors and assistant assessors, respectively, shall be paid after the account thereof shall have been

rendered to, and approved by, the proper officers of the treasury, their necessary and reasonable charges for stationery and blank books used in the discharge of their duties, and for postage actually paid on letters and documents received or sent, and relating exclusively to official business: *Provided*, That no such account shall be approved unless it shall state the date and the particular item of every such expenditure, and shall be verified by the oath or affirmation of such assessor or assistant assessor; and the compensation herein specified shall be in full for all expenses not otherwise particularly authorized. *Provided, further*, That the Secretary of the Treasury shall be, and he is hereby, authorized to fix such additional rates of compensation to be made to assessors and assistant assessors in cases where a collection district embraces more than a single congressional district, and to assessors and assistant assessors, revenue agents and inspectors, in Louisiana, North Carolina, Mississippi, Tennessee, Missouri, California, and Oregon, and the territories, as may appear to him to be just and equitable, in consequence of the greater cost of living and travelling in those states and territories, and as may, in his judgment, be necessary to secure the services of competent officers; but the rates of compensation thus allowed shall not exceed the rates paid to similar officers in such states and territories respectively.

Accounts to be verified by oath.

Additional compensation to assessors.

SEC. 23. *And be it further enacted*, That if any assessor shall demand of, or receive directly or indirectly from, any assistant assessor, as a condition of his appointment to, or continuance in, his said office of assistant assessor, any portion of the compensation herein allowed such assistant assessor, or any other consideration, such assessor so offending shall be summarily dismissed from office, and shall be liable to a fine of not less than five hundred dollars upon conviction of said offence in any district or circuit court of the United States of the district in which such offence may be committed.

Penalty upon assessor for receiving portion of pay of assistant, &c.

SEC. 24. *And be it further enacted*, That the assistant assessors shall make out their accounts for pay and charges allowed by law monthly, specifying each item and including the date of each day of service, and shall transmit the same, verified by oath or affirmation, to the assessor of the district, who shall thereupon examine the same, and, if it appear just and in accordance with law, he shall indorse his approval thereon, but otherwise shall return the same with objections. Any such account, so approved, may be presented by the assistant assessor to the collector of the district for payment, who shall thereupon pay the same, and, when receipted by the assistant assessor, be allowed therefor upon presentation to the commissioner of internal revenue. Where any account, so transmitted to the assessor, shall be objected to, in whole or in part, the assistant assessor may appeal to the commissioner of internal revenue, whose decision on the case shall be final. And should it appear, at any time, that any assessor has knowingly or negligently approved any account, as aforesaid, allowing any assistant assessor a sum larger than was due according to law, it shall be the duty of the commissioner of internal revenue, upon proper proof thereof, to deduct the sum so allowed from any pay which may be due to such assessor; or the commissioner as aforesaid may direct a suit to be brought in any court of competent jurisdiction against the assessor or assistant assessor in default, for the recovery of the amount knowingly or negligently allowed, as hereinbefore mentioned: *Provided*, That in estimating the allowance to be made to assistant assessors for periods of service less than a day, each ten hours shall be deemed the equivalent of a day.

Accounts of assistant assessors.

SEC. 25. [*And be it further enacted*,] That there shall be allowed to collectors, in full compensation for their services and that of their deputies, a salary of fifteen hundred dollars per annum, to be paid quarterly, and in addition thereto a commission of three per centum upon the first hundred thousand dollars, and a commission of one per centum upon all

Pay of collectors.

sums above one hundred thousand dollars and not exceeding four hundred thousand dollars, and a commission of one half of one per centum on all sums above four hundred thousand dollars, such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the treasury department. And there shall be further paid, after the account thereof has been rendered to, and approved by, the proper officers of the treasury, to each collector his necessary and reasonable charge, for stationery and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be approved unless it shall state the date and the particular items of every such expenditure, and shall be verified by the oath or affirmation of the collector: *Provided*, That the salary and commissions of no collector, exclusive of stationery, blank books, and postage, shall exceed ten thousand dollars in the aggregate, nor more than five thousand dollars exclusive of the expenses for rent, stationery, blank books, and postage, and pay of deputies and clerks, to which such collector is actually and necessarily subjected in the administration of his office: *Provided, further*, That the Secretary of the Treasury be authorized to make such further allowances, from time to time, as may be reasonable in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, or from other circumstances, it may seem just to make such allowances.

Pay of collectors.
Post, p. 469.

Charges and expenses.
Post, p. 469.

Pay not to exceed, &c.
[Proviso stricken out. *Post*, p. 469.]

Further allowances.

Accounts of collectors and assessors, how adjusted.

SEC. 26. *And be it further enacted*, That in the adjustment of the accounts of assessors and collectors of internal revenue which shall accrue after the thirtieth of June, eighteen hundred and sixty-four, and in the payment of their compensation for services after that date, the fiscal year of the treasury shall be observed; and where such compensation, or any part of it, shall be by commissions upon assessments or collections, and shall during any year, in consequence of a new *apportionment* [appointment,] be due to more than one assessor or collector in the same district, such commissions shall be apportioned between such assessors or collectors according to the amounts collected by them respectively; but in no case shall a greater amount of the commissions be allowed to two or more assessors or collectors in the same district than is, or may be, authorized by law to be allowed to one assessor or collector. And the salary and commissions of assessors and collectors heretofore earned and accrued shall be adjusted, allowed, and paid in conformity to the provisions of this section, and not otherwise.

Post, p. 469.

Collectors to give receipts for lists;

SEC. 27. *And be it further enacted*, That each collector, on receiving, from time to time, lists and returns from the said assessors, shall subscribe three receipts: one of which shall be made upon a full and correct copy of each list or return, and be delivered by him to, and shall remain with, the assessor of his collection district, and shall be open to the inspection of any person who may apply to inspect the same; and the other two shall be made upon aggregate statements of the lists or returns aforesaid, exhibiting the gross amount of taxes to be collected in his collection district, one of which aggregate statements and receipts shall be transmitted to the commissioner of internal revenue, and the other to the first comptroller of the treasury.

to give notice that duties are payable.

[Amended, *Post*, pp. 469, 470.]

SEC. 28. *And be it further enacted*, That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement published in each county in his collection district, in one newspaper printed in such county, if any such there be, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than *than* ten days after such notification; and all persons who shall

neglect to pay the duties and taxes so as aforesaid assessed within the time specified, shall be liable to pay ten per centum additional upon the amount thereof, the fact of which liability shall be stated in the advertisement and notifications aforesaid. And if any person shall neglect to pay as aforesaid for more than ten days, it shall be the duty of the collector or his deputy to issue to such person a notice to be left at his dwelling or usual place of business, or be sent by mail, demanding the payment of said duties or taxes, stating the amount thereof, with a fee of twenty cents for the issuing and service of such notice, and with four cents for each mile actually and necessarily travelled in serving the same. And if such persons shall not pay the duties or taxes, with the penalty aforesaid, and the fee of twenty cents and mileage as aforesaid, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said duties or taxes, and fee of twenty cents and mileage, with ten per centum penalty as aforesaid. And with respect to all such duties or taxes as are not included in the annual lists as aforesaid, and all taxes and duties the collection of which is not otherwise provided for in this act, it shall be the duty of each collector, in person or by deputy, to demand payment thereof, in the manner last mentioned, within ten days from and after receiving the list thereof from the assessor, or within twenty days from and after the expiration of the time within which such duty or tax should have been paid; and if the annual or other duties shall not be paid within ten days from and after such demand therefor, it shall be lawful for such collector, or his deputies, to proceed to collect the said duties or taxes, with ten per centum additional thereto, as aforesaid, by distraint and sale of the goods, chattels, or effects of the persons delinquent as aforesaid. And in case of distraint, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, or usual place of business, with some person of suitable age and discretion, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if there is a newspaper published in said county, or to be publicly posted up at the post-office, if there be one within five miles, nearest to the residence of the person whose property shall be distrained, and in not less than two other public places, which notice shall specify the articles distrained, and the time and place for the sale thereof, which time shall not be less than ten nor more than twenty days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distraint: *Provided*, That, in any case of distraint for the payment of the duties or taxes aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor, if prior to the sale payment of the amount due or tender thereof shall be made to the proper officer charged with the collection of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expenses of removing, advertising, and keeping the goods, chattels, or effects so distrained, as may be prescribed by the commissioner of internal revenue; but in case of non-payment or tender, as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall and may retain from the proceeds of such sale the amount demandable for the use of the United States, with the necessary and reasonable expenses of distraint and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided, further*, That there shall be exempt from distraint the tools or implements of a trade or profession, one cow, arms, and

Collectors to demand payment if, &c.

to collect by distraint if, &c

Proceedings in case of distraint.

Exemptions from distress.

provisions, and household furniture kept for use, and apparel necessary for a family.

If property liable to distraint, is not divisible.

SEC. 29. *And be it further enacted*, That in all cases where the property liable to distraint for duties or taxes under this act may not be divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the duty or tax, costs, and charges, shall be paid to the owner of the property, or his, her, or their legal representatives; or if he, she, or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the treasury of the United States, to be there held for the use of the owner, or his, her, or their legal representatives, until he, she, or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the treasury, cause the same to be paid to the applicant. And if the property advertised for sale as aforesaid cannot be sold for the amount of the duty or tax due thereon, with the costs and charges, the collector shall purchase the same in behalf of the United States for an amount not exceeding the said tax or duty, with the costs and charges thereon. And all property so purchased may be sold by said collector under such regulations as may be prescribed by the commissioner of internal revenue. And the collector shall render a distinct account of all charges incurred in the sale of such property to the commissioner of internal revenue, who shall, by regulation, determine the fees and costs to be allowed in cases of distraint and other seizures; and the said collector shall pay into the treasury the surplus, if any there be, after defraying the charges.

Collector to purchase property if, &c.

If personal property is insufficient, real estate may be sold.

Proceedings.

Notice.

SEC. 30. *And be it further enacted*, That in any case where goods, chattels, or effects sufficient to satisfy the duties imposed by this act upon any person liable to pay the same shall not be found by the collector or deputy collector whose duty it may be to collect the same, he is hereby authorized to collect the same by seizure and sale of real estate; and the officer making such seizure and sale shall give notice to the person whose estate is proposed to be sold, by giving him in hand, or leaving at his last and usual place of abode, if he has any such within the collection district where said estate is situated, a notice, in writing, stating what particular estate is proposed to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty, nor more than forty, days from the time of giving said notice. And the said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted up at the post-office nearest to the estate so seized, and in two other public places within the county. And the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the commissioner of internal revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the amount of duties with the ten per centum additional thereon, the expense of making such levy and all charges for advertising, and an officer's fee of ten dollars. And if no person offers for said estate the amount of said minimum, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as hereinafter specified and provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned by said officer for a period not exceeding five days, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner. If the amount bid shall be then and there paid, the officer shall give his

Sale at auction.

Adjournment of sale.

receipt therefor, if requested, and within five days thereafter he shall make out a deed of the estate so sold to the purchaser thereof, and execute the same in his official capacity, in the manner prescribed by the laws of the state in which said estate may be situated, in which said deed shall be recited the fact of said seizure and sale, with the cause thereof, the amount of duty for which said sale was made, and of all charges and fees, and the amount paid by the purchaser, and all his acts and doings in relation to said seizure and sale, and shall have the same ready for delivery to said purchaser, and shall deliver the same accordingly, upon request therefor. And said deed shall be prima facie evidence of the truth of the facts stated therein, and, if the proceedings of the officer as set forth have been substantially in pursuance of the provisions of this act, shall be considered and operate as a conveyance to the purchaser of the title to said estate, but shall not affect the rights of innocent parties acquired previously to the claim of the United States under this act. The surplus, if any, arising from such sale shall be disposed of as provided in this act for like cases arising upon sales of personal property. And any person whose estate may be seized for duties, as aforesaid, shall have the same right to pay or tender the amount due, with all proper charges thereon, prior to the sale thereof, and thereupon to relieve his said estate from sale as aforesaid, as is provided in this act for personal property similarly situated. And any collector or deputy collector may, for the collection of duties imposed upon any person, or for which any person may be liable by this act, and committed to him for collection, seize and sell the lands of such person situated in any other collection district within the state in which said officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection district. And the owners, their heirs, executors, or administrators, or any person having an interest therein, or a lien thereon, or any person on their behalf, shall have liberty to redeem the land sold as aforesaid, within one year from and after recording the said deed, upon payment to the purchaser, or, in case he cannot be found in the county where the lands are situate, to the collector, for the use of the purchaser, his heirs or assigns, of the amount paid by the purchaser, with interest on the same at the rate of twenty per centum per annum. And it shall be the duty of every collector to keep a record of all sales of land made in his collection district, whether by himself or his deputies, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser, and the date of the deed; which record shall be certified by the officer making the sale. And it shall be the duty of any deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. And in case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be deposited in the office of the clerk of the district court of the United States for the district within which the said collector resided; and a copy of every such record, certified by the collector, or by the clerk, as the case may require, shall be evidence in any court of the truth of the facts therein stated. And when any lands sold, as aforesaid, shall be redeemed as hereinbefore provided, the collector or clerk, as the case may be, shall make an entry of the fact upon the record aforesaid, and the said entry shall be evidence of such redemption. And the claim of the government to lands sold under and by virtue of the foregoing provisions shall be held to have accrued at the time of seizure thereof.

Deed.

Effect of deed.

Tender to stop sale.

Redemption.

Record of sales.

SEC. 31. *And be it further enacted*, That if any collector shall find, upon any list of taxes returned to him for collection, property lying within his district which is charged with any specific or ad valorem tax or duty, but which is not owned, occupied, or superintended by some person known to

Collection of taxes from non-residents.

such collector to reside, or to have some place of business, within the United States, and upon which the duty or tax has not been paid within the time required by law, such collector shall forthwith take such property into his custody, and shall advertise the same, and the tax charged upon the same, in some newspaper published in his district, if any shall be published therein, otherwise in some newspaper in an adjoining district, for the space of thirty days; and if the taxes thereon, with all charges for advertising, shall not be paid within said thirty days, such collector shall proceed to sell the same, or so much as is necessary, in the manner provided for the sale of other goods distrained for the non-payment of taxes, and out of the proceeds shall satisfy all taxes charged upon such property, with the costs of advertising and selling the same. And like proceedings to those provided in the preceding section for the purchase and resale of property which cannot be sold for the amount of duty or tax due thereon shall be had with regard to property sold under the provisions of this section. And any surplus arising from any sale herein provided for shall be paid into the treasury, for the benefit of the owner of the property. And the Secretary of the Treasury is authorized, in any case where money shall be paid into the treasury for the benefit of any owner of property sold as aforesaid, to repay the same, on proper proof being furnished that the person applying therefor is entitled to receive the same.

Collection of taxes from non-residents.

Collectors to send lists to districts where persons reside.

SEC. 32. *And be it further enacted*, That whenever a collector shall have on any list duly returned to him the name of any person not within his collection district who is liable to tax, or of any person so liable to tax who shall have, in the collection district in which he resides, no sufficient property subject to seizure or distraint from which the money due for duties or tax can be collected, it shall and may be lawful for such collector to transmit a copy or statement containing the name of the person liable to such duty or tax as aforesaid, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for duty or tax; and the collector of the district to whom the said certified copy or statement shall be transmitted shall proceed to collect the said duty or tax in the same way as if the name of the person and objects of tax contained in the certified copy or statement were on any list furnished to him by the assessor of his own collection district; and the said collector, upon receiving said certified copy or statement as aforesaid, shall transmit his receipt for it to the collector sending the same to him.

Collectors to make returns and pay over moneys monthly.

SEC. 33. *And be it further enacted*, That the several collectors shall, at the expiration of each and every month after they shall, respectively, commence their collections, transmit to the commissioner of internal revenue a statement of the collections made by them, respectively, within the month, and pay over monthly, or at such time or times as may be required by the commissioner of internal revenue, the moneys by them respectively collected within the said term, and at such places as may be designated and required by the commissioner of internal revenue; and each of the said collectors shall complete the collection of all sums assigned to him for collection, as aforesaid, shall pay over the same into the treasury, and shall render his accounts to the treasury department as often as he may be required. And the Secretary of the Treasury is authorized to designate one or more depositories in each state, for the deposit and safe-keeping of the moneys collected by virtue of this act; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the treasury department. And the commissioner of internal revenue may, under the direction of the Secretary of the Treasury, prescribe such regulations with reference to such deposits as he may deem necessary.

Deposits.

Collectors to be charged with amount in tax-lists;

SEC. 34. *And be it further enacted*, That each collector shall be charged with the whole amount of taxes, whether contained in lists delivered to him by the assessors, respectively, or delivered or transmitted to him by assistant assessors from time to time, or by other collectors, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for passports, penalties, forfeitures, fees, or costs, and he shall be credited with all payments made as provided by law, with all stamps returned by him uncancelled to the treasury, with the salary, fees, commissions, and charges allowed by law, and with the amount of duties or taxes contained in the lists transmitted in the manner above provided to other collectors, and by them receipted as aforesaid; and also with the amount of the duties or taxes of such persons as may have absconded, or become insolvent, prior to the day when the duty or tax ought, according to the provisions of this act, to have been collected: *Provided*, That it shall be proved to the satisfaction of the commissioner of internal revenue that due diligence was used by the collector, and that no property was left from which the duty or tax could have been recovered, who shall certify the facts to the first comptroller of the treasury. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he shall faithfully account for and pay over the proceeds thereof upon a resale of the same as required by this act.

to be credited with what.

Proviso.

Dues from delinquent collector to be collected by distraint and sale.

SEC. 35. *And be it further enacted*, That if any collector shall fail either to collect or to render his account, or to pay over in the manner or within the times hereinbefore provided, it shall be the duty of the first comptroller of the treasury, and he is hereby authorized and required, immediately after evidence of such delinquency, to report the same to the solicitor of the treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, therein expressing the amount with which the said collector is chargeable, and the sums, if any, which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with five per centum thereon, and all the expenses and charges of collection, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the state wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued pursuant to the preceding section of this act, the lands and real estate of such collector, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks in not less than three public places in the collection district, and in one newspaper printed in the county or district, if any there be, prior to the proposed time of sale, shall be sold at public auction by the marshal or his deputy, who, upon such sale, shall, as such marshal or deputy marshal, make and deliver to the purchaser of the premises so sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the state in which said lands are situated, which said deed so made shall invest the purchaser with all the title and interest of the defendant or defendants named in said warrant, existing at the time of the seizure thereof. And all moneys that may remain of the proceeds of such sale after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

Penalty upon collectors, &c., for extortion, &c.

SEC. 36. *And be it further enacted*, That each and every collector, or his deputy, who shall be guilty of any extortion or wilful oppression, under color of law, or shall knowingly demand other or greater sums than shall be authorized by law, or shall receive any fee, compensation, or reward, except as herein prescribed, for the performance of any duty, or shall wilfully neglect to perform any of the duties enjoined by this act, shall, upon conviction, be subject to a fine of not exceeding one thousand dollars, or to be imprisoned for not exceeding one year, or both, at the discretion of the court, and be dismissed from office, and be forever thereafter incapable of holding any office under the government; and one half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court; and the said court shall also render judgment against said collector or deputy collector for the amount of damages accruing to the party injured, to be collected by execution. And each and every collector, or his deputies, shall give receipts for all sums by them collected.

Collectors, assessors, &c., may enter places, &c.

SEC. 37. *And be it further enacted*, That a collector or deputy collector, assessor, assistant assessor, revenue agent, or inspector, shall be authorized to enter, in the daytime, any brewery, distillery, manufactory, building, or place where any property, articles, or objects, subject to duty or taxation under the provisions of this act, are made, produced, or kept, within his district, so far as it may be necessary for the purpose of examining said property, articles, or objects, or inspecting the accounts required by this act from time to time to be made or kept by any manufacturer or producer, relating to such property, articles, or objects. And every owner of such brewery, distillery, manufactory, building, or place, or persons having the agency or superintendence of the same, who shall refuse to admit such officer, or to suffer him to examine said property, articles, or objects, or to inspect said accounts, shall, for every such refusal, forfeit and pay the sum of five hundred dollars: *Provided, however*, That when such premises shall be open at night, such officers may enter while so open in the performance of their official duties.

Penalty on owner, &c., for refusal to admit, &c.;

for obstructing assessors, &c., in the discharge of their duty.

SEC. 38. *And be it further enacted*, That if any person shall forcibly obstruct or hinder any assessor or assistant assessor, or any collector or deputy collector, revenue agent or inspector, in the execution of this act, or of any power and authority hereby vested in him, or shall forcibly rescue, or cause to be rescued, any property, articles, or objects, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending shall, upon conviction thereof, for every such offence, forfeit and pay the sum of five hundred dollars, or double the value of property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court: *Provided*, That if any such officer shall divulge to any party, or make known in any manner other than is provided in this act, the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of official duties, he shall be subject to the penalties prescribed in section *thirty-five* [thirty-six] of this act.

Post, p. 471.

Deputy collector may act as collector when, &c.

SEC. 39. *And be it further enacted*, That in case of the sickness or temporary disability of a collector to discharge such of his duties as cannot under existing laws be discharged by a deputy, they may be devolved by him upon one of his deputies; and for the official acts and defaults of such deputy the collector and his sureties shall be held responsible to the United States.

If collector dies, &c., deputies to act.

SEC. 40. *And be it further enacted*, That in case a collector shall die, resign, or be removed, the deputies of such collector shall continue to act until his successor is appointed; and the deputy of such collector longest in service at the time immediately preceding shall, until a successor shall be appointed, discharge all the duties of said collector; and for the official

acts and defaults of such deputy a remedy shall be had on the official bond of the collector, as in other cases; and of two or more deputy collectors, appointed on the same day, the one residing nearest the residence of the collector at the time of his death, resignation, or removal, shall discharge the said duties until the appointment of a successor. And any bond or security taken from a deputy by such collector, pursuant to this act, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act of the deputy so continuing or succeeding to the duties of such collector.

[Proviso. *Post*, p. 471.]

Collectors to collect duties and fines and forfeitures.

SEC. 41. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, or their deputies, in their respective districts, and they are hereby authorized, to collect all the duties and taxes imposed by this act, however the same may be designated, and to prosecute for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be incurred or imposed by virtue of this act shall be sued for and recovered, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, qui tam, or otherwise, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and where not otherwise and differently provided for, one moiety thereof shall be to the use of the United States, and the other moiety thereof to the use of the person, to be ascertained by the judgment of the court, who shall first inform of the cause, matter, or thing whereby any such fine, penalty, or forfeiture was incurred: *Provided*, That in case of any suit brought upon information received from any person, other than a collector, deputy collector, assessor, assistant assessor, or inspector, of internal revenue, the United States shall not be subject to any costs of suit, nor shall the fees of any attorney or counsel employed by any such officer be allowed in the settlement of his account unless the employment of such attorney or counsel shall be authorized by the commissioner of internal revenue, either express or by general regulations.

United States not liable for certain costs.

False swearing under this act to be perjury, and so punished.

SEC. 42. *And be it further enacted*, That if any person, in any case, matter, hearing, or other proceeding in which an oath or affirmation shall be required to be taken or administered under and by virtue of this act, shall, upon the taking of such oath or affirmation, knowingly and wilfully swear or affirm falsely, every person so offending shall be deemed guilty of perjury, and shall, on conviction thereof, be subject to the like punishment and penalties now provided by the laws of the United States for the crime of perjury.

Separate accounts to be kept of duties received from each state, &c.

SEC. 43. *And be it further enacted*, That separate accounts shall be kept at the treasury of all moneys received from internal duties or taxes in each of the respective states, territories, and collection districts; and that separate accounts shall be kept of the amount of each species of duty or tax that shall accrue, so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and for allowances to the collectors and deputy collectors, assessors and assistant assessors, inspectors, and other officers employed in each of the respective states, territories, and collection districts, an abstract in tabular form of which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before congress.

Abstract for congress.

Commissioner may remit erroneous assessments and fines, compromise suits, &c.

SEC. 44. *And be it further enacted*, That the commissioner of internal revenue, subject to regulations prescribed by the Secretary of the Treasury, shall be, and is hereby, authorized, on appeal to him made, to remit, refund, and pay back all duties erroneously or illegally assessed or collected, and all duties that shall appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected, and also repay to collectors or deputy collectors the full amount of such sums of money as shall or may be recovered against them or any of them *them* in any court,

for any internal duties or licenses collected by them, with the costs and expenses of suit, and all damages and costs recovered against assessors, assistant assessors, collectors, deputy collectors, and inspectors, in any suit which shall be brought against them or any of them by reason of anything that shall or may be done in the due performance of their official duties, and also compromise such suits and all others relating to internal revenue. And all judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties shall be paid to the collector as internal duties are required to be paid; and all sums of money which the commissioner is authorized to pay by virtue of this section shall be paid by drafts drawn on collectors of internal revenue.

Bill of sale of chattels sold by distraint, &c., to be evidence of what.

Sec. 45. *And be it further enacted*, That in all cases of distraint and sale of goods or chattels for non-payment of taxes, duties, or licenses, as provided for, the bill of sale of such goods or chattels given by the officer making such sale, to the purchaser thereof, shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in selling the same.

Proceedings in states where laws cannot now be executed.

Sec. 46. *And be it further enacted*, That if, for any cause, at any time after this act goes into operation, the laws of the United States cannot be executed in a state or territory of the United States, or any part thereof, or within the District of Columbia, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such state or territory, or part thereof, or District of Columbia, so soon as the authority of the United States therein shall be reëstablished, and to collect the taxes, duties, and licenses, in such states and territories under the regulations prescribed in this act, so far as applicable; and where not applicable, the assessment and levy shall be made, and the time and manner of collection regulated, by the instructions and directions of the commissioner of internal revenue, under the direction of the Secretary of the Treasury.

Officers under this act to collect direct tax.

Sec. 47. *And be it further enacted*, That the officers who may be appointed under this act, except within those districts within any state or territory which have been or may be otherwise especially provided for by law, shall be, and hereby are, authorized, in all cases where the payment of such tax shall not have been assumed by the state, to perform all the duties relating to or regarding the assessment and collection of any direct tax imposed, or which may be imposed by law.

Certain goods, &c., designed to be sold, &c., in fraud of the revenue, to be forfeited, &c.

Sec. 48. *And be it further enacted*, That all goods, wares, merchandise, articles or objects on which duties are imposed by the provisions of law, which shall be found in the possession or custody, or within the control, of any person or persons, for the purpose of being sold or removed by such person or persons in fraud of the internal revenue laws, or with design to avoid payment of said duties, may be seized by any collector or deputy collector, who shall have reason to believe that the same are possessed, had, or held for the purpose or design aforesaid, and the same shall be forfeited to the United States; and also all articles of raw materials found in the possession of any person or persons intending to manufacture the same for the purpose of being sold by them in fraud of said laws, or with design to evade the payment of said duties, and also all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or enclosure where such articles on which duties are imposed, as aforesaid, and intended to be used by them in the fraudulent manufacture of such raw materials, shall be found, may also be seized by any collector or deputy collector, as aforesaid; and the same shall be forfeited as aforesaid; and the proceedings to enforce said forfeiture shall be in the nature of a proceeding in rem in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction. And any person who shall have in his custody or possession any such goods, wares, merchandise, articles or

Forfeiture, how enforced.

objects subject to duty as aforesaid, for the purpose of selling the same with the design of avoiding payment of the duties imposed thereon, shall be liable to a penalty of five hundred dollars, or not less than double the amount of duties fraudulently attempted to be evaded, to be recovered in any court of competent jurisdiction; and the goods, wares, merchandise, articles or objects which shall be so seized by any collector or deputy collector, may, at the option of the collector, during the pendency of such proceedings, be delivered to the marshal of said district, and remain in his care and custody and under his control until final judgment in such proceeding shall be rendered: *Provided, however*, That when the property so seized may be liable to perish or become greatly reduced in value by keeping, or when it cannot be kept without great expense, the owner thereof, the collector, or the marshal of the district, may apply to the assessor of the district to examine said property; and if, in the opinion of said assessor, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and the owner thereupon shall have said property returned to him upon giving bond in such form as may be prescribed by the commissioner of internal revenue, and in an amount equal to the appraised value, with such sureties as the said assessor shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said assessor with the commissioner of internal revenue. But if said owner shall neglect or refuse to give said bond, the assessor shall issue to the collector or marshal aforesaid an order to sell the same; and the said collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

Penalty on person having such goods in his custody, &c.

Perishable articles.

SEC. 49. *And be it further enacted*, That all the provisions hereinafter made for the delivery of returns, lists, statements, and valuations, and for additions to the duty in case of false or fraudulent lists or returns, or in case of undervaluation or understatement on lists or returns, or in case of refusal or neglect to deliver lists or returns, and for the imposition of fines, penalties, and forfeitures, shall be held and taken to apply to all persons, associations, corporations, or companies liable to pay duty or tax; and any additions to duties, fines, penalties, or forfeitures hereinafter imposed for failure to perform any duty required to be performed, shall be held and taken to be additional to those hereinbefore provided.

Subsequent provisions of this act to apply to what.

SEC. 50. *And be it further enacted*, That the provisions of the act entitled "An act further to provide for the collection of duties on imports," approved March second, one thousand eight hundred and thirty-three, now in force, shall be taken and deemed as extending to and embracing all cases arising under the laws for the collection of internal duties, stamp duties, licenses, or taxes, which have been, or may be hereafter, enacted; and all persons duly authorized to assess, receive, or collect such duties or taxes under such laws are hereby declared to be, and to have been, revenue officers within the true intent and meaning of the said act, and entitled to all the exemptions, immunities, benefits, rights, and privileges therein enumerated or conferred.

Act of 1833, ch. 57, to embrace what. Vol. iv. p. 632.

Revenue officers.

SEC. 51. *And be it further enacted*, That the provisions of the sixteenth section of the act approved August sixth, eighteen hundred and forty-six, entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," are hereby applied to, and shall be construed to include, all officers of the internal revenue, charged with the safe-keeping, transfer, or disbursement of the public moneys arising therefrom, and to all other per-

Act of 1846, ch. 90, § 16, to apply to persons having public moneys under this act. Vol. ix. p. 63.

sons having actual charge, custody, or control of moneys or accounts arising from the administration of the internal revenue.

Assessors, &c., may administer oaths, &c.

Post, p. 471.

Sec. 52. [*And be it further enacted,*] That all assessors and their assistants, all collectors and their deputies, and all inspectors, are hereby authorized to administer oaths and take evidence touching any part of the administration of this law with which they are respectively charged, and where such oaths and evidence are by law authorized to be taken; and any perjury therein shall be punished in the like manner, and to the same degree, as in the case of perjury committed in proceedings in the courts of the United States.

Spirits, ale, beer, and porter.

Post, p. 471

SPIRITS, ALE, BEER, AND PORTER.

Sec. 53. *And be it further enacted,* That any person required by law to be licensed as a distiller, shall, in addition to what is required by other provisions of law, make an application therefor to the assessor of the district, and before the same is issued the person so applying shall give bond to the United States, in such sum as shall be required by the collector, and with one or more sureties, to be approved by said collector, conditioned that in case any additional still or stills, or other implements to be used as aforesaid, shall be erected by him, his agent or superintendent, he will, before using, or causing, or permitting the same to be used, report in writing to the said assessor the capacity thereof, and information from time to time of any change in the form, capacity, ownership, agency, or superintendence, which all or either of the said stills or other implements may undergo, and that he will from day to day enter, or cause to be entered, in a book to be kept for that purpose, the number of gallons of spirits that may be distilled by said still or stills, or other implements, and also of the quantities of grain or other vegetable productions, or other substances put into the mash-tub, or otherwise used by him, his agent or superintendent, for the purpose of producing spirits; and said book shall be open at all times during the day (Sundays excepted) to the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may make any memorandums or transcripts therefrom; and also that he will render to the said assessor or assistant assessor, on the first, eleventh, and twenty-first days of each and every month, or within five days thereafter, during the continuance of said license, an exact account in writing, of the number of gallons of spirits distilled, and also of the number of gallons placed in warehouse and the number sold or removed for consumption or sale by him, his agent or superintendent, and the proof thereof, and also of the quantities of grain or other vegetable productions, or other substances, put into the mash-tub, or otherwise used by him, his agent or superintendent, for the purpose of producing spirits, for the period or fractional part of a month then next preceding the date of said report, which said report shall be verified by affidavit in the manner prescribed by law; that he will not sell or permit to be sold, or removed for consumption or sale, any spirits distilled by him under and by virtue of his said license, until the same shall have been inspected, gauged, and proved, and the quantity thereof duly entered upon his books as aforesaid; and that he will, at the time of rendering said account, pay to the said collector, or his deputy, the duties which by law are imposed on the spirits so distilled. And the said bond may be renewed or changed from time to time, in regard to the amount and sureties thereof, according to the discretion of the collector.

Applicant for license as distiller to give bond.

Conditions of bond.

Application to state what.

Post, p. 471.

Sec. 54. *And be it further enacted,* That the application in writing made by any person for a license for distilling as aforesaid, shall state the place of distilling, the number and capacity of the still or stills, boiler or boilers, and the name of the person, firm, company, or corporation using the same; and any person making a false statement in either

of the said particulars shall forfeit and pay the sum of one hundred dollars, to be recovered with costs of suit. Penalty for false statement.

SEC. 55. *And be it further enacted*, That in addition to the duties payable for licenses herein provided, there shall be levied, collected, and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale, of first proof, on and after the first day of July, eighteen hundred and sixty-four, and prior to the first day of February, eighteen hundred and sixty-five, a duty of one dollar and fifty cents on each and every gallon; and on and after February first, eighteen hundred and sixty-five, a duty of two dollars on each and every gallon. And all spirits which may be in the possession of the distiller, or in public store or bonded warehouse, on either the first day of July or February aforesaid, no duty having been paid thereon, shall be held and treated as if distilled on those days respectively, and said duty shall be paid by the owner, agent, or superintendent of the still or other vessel in which the said spirits shall have been distilled, within five days after the time of rendering the accounts of spirits so chargeable with duty, required to be rendered by law. And the said duties shall be a lien on the distillery used for distilling the same, with the stills, vessels, fixtures, and tools therein, and on the lot or tract of land whereon the said distillery is situated, until the said duty shall be paid: *Provided*, That the duty on all spirits shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof: *Provided, further*, That any person who shall distil spirits and use the same in the manufacture of any other article, without having taken out a license and paid such duties as are prescribed by law in relation thereto, shall, in addition to all other penalties and forfeitures, be liable to pay one hundred per centum additional duties thereon. Duties on spirits in addition to licenses. [February changed to January. *Post*, p. 420.] Spirits in store, &c. Duties to be a lien. *Post*, p. 472. Provisos. *Post*, p. 472.

SEC. 56. *And be it further enacted*, That the term first proof used in this act and in the laws of the United States shall be construed, and is hereby declared to mean, that proof of a liquor which corresponds to fifty degrees of Tralle's centesimal hydrometer, adopted by regulation of the Treasury Department, of August twelfth, eighteen hundred and fifty, at the temperature of sixty degrees Fahrenheit's thermometer. And in levying duties on liquors above and below proof, the table contained in the manual for inspectors of spirits, prepared by Professor McCulloch, under the superintendency of Professor Bache, and adopted by the Treasury Department, shall be used and taken as giving the proportions of absolute alcohol in the liquids gauged and proved according to which duties shall be levied, until otherwise ordered by the Secretary of the Treasury, who is hereby authorized to adopt such hydrometers and prescribe such rules and regulations as he may deem necessary to insure a uniform system of inspection and gauging of spirits subject to duties throughout the United States. "First proof" to mean what. [Gallon to be what. *Post*, p. 472.]

SEC. 57. *And be it further enacted*, That every person who shall be the owner of any still, boiler, or other vessel, used, or intended to be used, for the purpose of distilling spirituous liquors, as hereinbefore provided, or who shall have such still, boiler, or other vessel under his superintendence, either as agent for the owner or on his own account; and every person who shall use any still, boiler, or other vessel, as aforesaid, either as owner, agent, or otherwise, shall, from day to day, make true and exact entry, or cause to be entered in a book to be kept for that purpose, the number of gallons of spirits distilled, and also the number of gallons placed in warehouse, and also the number sold, or removed for consumption or sale, and the proof thereof; which book shall always be open in the daytime, (Sundays excepted,) for the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes, memorandums, or transcripts thereof; and shall render to said assessor or assistant assessor, on the first, eleventh, and twenty-first Distillers, &c., to keep exact accounts of spirits, &c., distilled, &c.

Distillers to render accounts three times a month.

days of each and every month in each year, or within five days thereafter, an account in duplicate, taken from his books, of the number of gallons of spirits distilled, and also the number of gallons sold, or removed for consumption or sale, and the proof thereof, not before accounted for; and shall also keep a book, or books, in a form to be prescribed by the commissioner of internal revenue, and to be open at all seasonable hours for inspection by the assessor, assistant assessor, collector, deputy collector, or inspector of the district, wherein shall be entered, from day to day, the quantities of grain, or other vegetable productions, or other substances put into the mash-tub by him, his agent or superintendent, for the purpose of producing spirits; and shall verify, or cause to be verified, the said entries, reports, books, and accounts, by oath or affirmation, to be taken before the assessor or assistant assessor, or other competent officer, according to the form required by law, and shall immediately forward to the collector of the district one of the said duplicate accounts, duly verified, as aforesaid; and shall also pay to the collector the duties on the spirits so distilled and sold, or removed for consumption or sale, and in said accounts mentioned at the time of rendering the duplicate account thereof: *Provided*, That distillers who distil or manufacture less than one hundred and fifty barrels of spirits per year may make returns and pay duties on the first day of each and every month in lieu of the first, eleventh, and twenty-first days of the month, and furnish bonds correspondingly, anything to the contrary notwithstanding: *And provided, further*, That brandy distilled from grapes shall pay a tax of twenty-five cents per gallon.

Proviso.

Brandy from grapes.

Post, p. 472.

Inspectors of spirits, coal-oil, tobacco, &c.

SEC. 58. *And be it further enacted*, That there shall be appointed by the Secretary of the Treasury, in every collection district where the same may be necessary, one or more inspectors of spirits, refined coal-oil or other oil, tobacco, cigars, and other articles, who shall take an oath faithfully to perform their duties, in such form as the commissioner of internal revenue shall prescribe, and who shall be entitled to receive such fees as may be fixed and prescribed by said commissioner, to be paid by the owner or manufacturer of the articles inspected, gauged, or proved. And any manufacturer of spirits, refined coal-oil, or other oil, tobacco, cigars, or other articles which may by law be required to be inspected, who shall refuse to admit an inspector upon his premises, so far as it may be necessary for the performance of his duties, or who shall obstruct an inspector in the performance of his duties, shall forfeit the sum of one hundred dollars, to be recovered in the manner provided for other penalties imposed by this act.

Penalty for obstructing.

Spirits distilled to be inspected and gauged.

SEC. 59. *And be it further enacted*, That all spirits, distilled as aforesaid by any person licensed as aforesaid, shall, before the same are used, or removed for any purpose, be inspected, gauged, and proved by some inspector appointed for the performance of such duties, who shall mark upon the cask or other package containing such spirits, in a manner to be prescribed by said commissioner, the quantity and proof of the contents of such cask or package, with the date of inspection and the name of the inspector, and shall make a return of all spirits so inspected, and the name of the distiller, to the collector, and a duplicate thereof to the assessor of the district; and the duty imposed by law shall be paid on all spirits so inspected and not removed forthwith to a bonded warehouse. And any person who shall attempt fraudulently to evade the payment of duties upon any spirits distilled as aforesaid, by changing in any manner the mark upon any such cask or package, shall forfeit the sum of one hundred dollars for each cask or package so altered or changed, to be recovered as hereinbefore provided. And any such inspector who shall knowingly put upon any such cask or package any false or fraudulent mark shall be liable to the same penalty hereinbefore provided for each cask or package so fraudulently marked. And any person who shall purchase or sell any empty cask with the inspection marks thereon, or who shall fraudulently

Post, p. 472.

Penalty for changing marks fraudulently.

Post, p. 472.

use any cask or package so marked, for the purpose of selling any other spirits than that so inspected, or for selling spirits of a quality or quantity different from that so inspected, shall be subject to a like penalty for each cask or package so purchased, sold, or used.

Owners of distillery, &c., may provide warehouse, &c.

SEC. 60. *And be it further enacted*, That the owner or owners of any distillery or oil refinery, may provide, at his or their own expense, a warehouse, in conformity with such regulations as the Secretary of the Treasury may prescribe; and such warehouse, when approved by the collector, is hereby declared a bonded warehouse of the United States, and shall be used only for storing distilled spirits or refined coal-oil, or naphtha, and to be under the custody of the collector or his deputy. And the duty on the spirits, coal-oil, or naphtha stored in such warehouse shall be paid before it is removed from such warehouse, unless removed in pursuance of law.

Spirits, oil, &c., after inspection, how may be removed without payment of duty.

SEC. 61. *And be it further enacted*, That all distilled spirits, and all refined coal-oil and naphtha, upon which an excise duty is imposed by law, may, after being inspected, gauged, proved, and marked by the inspector according to the provisions of this act, be removed, without payment of the duty, under such rules and regulations, and upon the execution of such transportation bonds or other security as the Secretary of the Treasury may prescribe. The said spirits, oil, or naphtha so removed shall be transferred directly from the distillery or refinery to a bonded warehouse, established in conformity with law and treasury regulations, and may be transported from such warehouse to any one other bonded warehouse used for the storage of distilled spirits, coal-oil, or naphtha. And after the arrival of such distilled spirits, coal-oil, or naphtha, at the bonded warehouses within the district of the assessor to which it has been transferred, it shall be again inspected, and the duty shall be assessed and paid on any deficiency or reduction of the number of proof gallons beyond such allowance for leakage as may be established by the regulations of the commissioner of internal revenue, received at the warehouse, from the number of proof gallons as stated in the bond given at the place of shipment. And any distilled spirits, coal-oil, or naphtha in the public warehouses shall be subject to the same rules and regulations, and be chargeable with the same costs and expenses in all respects to which imported goods deposited in public store or bonded warehouse may be subject; and shall be in charge of a proper officer, to be designated by the Secretary of the Treasury, who, with the owner and proprietor of the warehouse, shall have the joint custody of all the distilled spirits, oil, or naphtha so stored in said warehouse, which shall be at the risk of the owner of the said spirits, oil, or naphtha. And all labor on the same shall be performed by the owner or proprietor of the warehouse, under the supervision of the officer in charge of the same, and at the expense of said owner or proprietor of the warehouse. And no drawback shall in any case be allowed on any distilled spirits, coal-oil, or naphtha, upon which an excise duty shall have been paid, either before or after it shall have been placed in a bonded warehouse: *Provided*, That any distilled spirits, coal-oil, or naphtha may be withdrawn from the bonded warehouse after payment, to the collector of internal revenue for the district in which the warehouse is situated, of the duty imposed by law, or may be removed without payment of the duty for the purpose of being exported, or for the purpose of being redistilled for export, after the quantity and proof of the spirits, oil, or naphtha to be removed has been ascertained and inspected according to the provisions of law, under such rules and regulations and the execution of such bond or other security as the Secretary of the Treasury may prescribe. And any spirits, oil, or naphtha so removed for distillation shall be returned to the warehouse and shall be again inspected, and the duty shall be paid to the said collector on any deficiency or reduction beyond the allowance for loss by redistillation

Post, p. 472.

Drawback.

Post, p. 472.

Spirits, &c. may be withdrawn.

Post, p. 472.

established by the commissioner of internal revenue, in the number of proof gallons received at the warehouse for the purpose of being exported, as aforesaid. And nothing in this section shall be construed to prevent the manufacture for exportation, without payment of duty, of medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, as provided for in this act.

Entries in distillers' books to be verified by oath.

SEC. 62. *And be it further enacted*, That the entries required to be made in the books of the distiller, as aforesaid, shall, on the first, eleventh, and twenty-first days of each and every month, or within five days thereafter, be verified by oath or affirmation of the person or persons by whom such entries shall have been made, which oath or affirmation shall be certified at the end of such entries by the assessor, or assistant assessor, or officer administering the same, and shall be, in substance, as follows: "I do swear (or affirm) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of spirituous liquors distilled and sold, or removed for consumption or sale, at the distillery owned by —— ——, in the county of ——, amounting to —— gallons, according to proof prescribed by the laws of the United States."

Oath where entries are not personally made.

SEC. 63. *And be it further enacted*, That the owner, agent, or superintendent aforesaid, shall, in case the original entries required to be made in his books by this act shall not have been made by himself, subjoin to the oath or affirmation of the person by whom they were made the following oath or affirmation, to be taken as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so."

Duty on beer, ale, and porter.

SEC. 64. *And be it further enacted*, That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquors, by whatever name such liquors may be called, a duty of one dollar for each and every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity, or for fractional parts of a barrel, which shall be brewed or manufactured and sold, or removed for consumption or sale, within the United States or the territories thereof, or within the District of Columbia; which duty shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors shall be made, and shall be paid at the time of rendering the accounts of such fermented liquors so chargeable with duty, as hereinafter required: *Provided*, That fractional parts of a barrel shall be halves, thirds, quarters, sixths, eighths, and sixteenths; and any fractional part containing less than one sixteenth shall be accounted one sixteenth; more than one sixteenth, and not more than one eighth, shall be accounted one eighth; more than one eighth, and not more than one sixth, shall be accounted one sixth; more than one sixth, and not more than one quarter, shall be accounted one quarter; more than one quarter, and not more than one third, shall be accounted one third; more than one third, and not more than one half, shall be accounted one half; more than one half shall be accounted one barrel: *Provided, further*, That beer, lager beer, ale, porter, and other fermented liquors in bottles, shall be assessed, according to the quantity contained therein, at the rate of one dollar for thirty-one gallons, when the duty has not been previously paid on the liquors contained therein.

Fractional parts of a barrel.

Proviso.

Owners of breweries to make entries in books.

SEC. 65. *And be it further enacted*, That every person owning or occupying any brewery or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who shall have such premises under his control or superintendence as agent for the owner or occupant, or shall have in his possession or custody any vessel or vessels intended to be used on said premises in the manufacture of beer, lager

beer, ale, porter, or other similar fermented liquors, either as owner, agent, or otherwise, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, and which shall be open at all times, (except Sundays,) between the rising and setting of the sun, for the inspection of said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes or memorandums or transcripts thereof, the quantity, packages, or number of barrels and fractional parts of barrels of fermented liquors made, and also the quantity sold, or removed for consumption or sale, keeping separate account of the several kinds and descriptions; and shall render to said assessor or assistant assessor, on the first day of each month in each year, or within ten days thereafter, a general account in writing, taken from his books, of the quantity or number of barrels and fractional parts of barrels of each kind of fermented liquors made, and also of the quantity sold, or removed for consumption or sale, for one month preceding said day; and shall verify, or cause to be verified, the said entries, reports, books, and general accounts, and the facts therein set forth, on oath or affirmation, to be taken before the assessor or assistant assessor, or other competent officer, according to the form required by law; and shall immediately forward to the collector of the district one of the said duplicate accounts, duly certified by the assessor or assistant assessor, and shall also pay to the said collector the duties which are imposed by law on the liquor made and sold, or removed for consumption or sale, and in the said accounts mentioned, at the time of rendering the duplicate account thereof as aforesaid. But where the manufacturer of any beer, lager beer, or ale, manufactures the same in one collection district, and owns or occupies a depot or warehouse for the storage and sale of such beer, lager beer, or ale in another collection district, he may, instead of paying to the collector of the district where the same was manufactured the duties chargeable thereon, present to such assessor or assistant assessor an invoice of the quantity or number of barrels about to be removed for the purpose of storage and sale, specifying in such invoice the depot or warehouse in which he intends to place such beer, lager beer, or ale; and thereupon such assessor or assistant assessor shall indorse on such invoice his permission for such removal, and the assessor or assistant assessor shall, at the same time, transmit to the collector of the district in which such depot or warehouse is situated a duplicate of such invoice; and thereafter the manufacturer of the beer, lager beer, or ale so removed shall render the same account, and pay the same duties, and be subject to the same liabilities and penalties as if the beer, lager beer, or ale had been manufactured in the district to which the same has been removed. The commissioner of internal revenue may prescribe such rules as he may deem necessary for the purpose of carrying the provisions of this section into effect.

Owners of breweries to render accounts monthly.

and pay duties monthly.

If manufactory is in one district and warehouse in another.

SEC. 66. *And be it further enacted*, That the entries made in the books required to be kept by the foregoing section shall, on said first day of each and every month, or within ten days thereafter, be verified by the oath or affirmation of the person or persons by whom such entries shall have been made, which oath or affirmation shall be certified at the end of such entries by the assessor or assistant assessor, or other competent officer administering the same, and shall be, in substance, as follows: "I do swear (or affirm) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of fermented liquors either brewed, or brewed and sold at the brewery owned by —— ——, in the county of ——, amounting to —— barrels."

Entries to be verified by oath.

SEC. 67. *And be it further enacted*, That the owner, agent, or superintendent aforesaid, shall, in case the original entries required to be made in his books shall not have been made by himself, subjoin to the oath or affirmation the following oath or affirmation, to be taken as aforesaid: "I

Oath where entries are not personally made.

do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so."

Penalty for refusal or neglect to make entries and reports.

SEC. 68. *And be it further enacted*, That the owner, agent, or superintendent of any vessel or vessels used in making fermented liquors, or of any still, boiler, or other vessel used in the distillation of spirits on which duty is payable, who shall neglect or refuse to make true and exact entry and report of the same, or to do, or cause to be done, any of the things by law required to be done as aforesaid, shall forfeit for every such neglect or refusal all the liquors and spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, together with the sum of five hundred dollars, to be recovered with costs of suits; which said liquors or spirits, with the vessels containing the same, with all the vessels used in making the same, may be seized by any collector or deputy collector of internal duties, and held by him until a decision shall be had thereon according to law: *Provided*, That such seizure be made within thirty days after the cause for the same shall have come to the knowledge of the collector or deputy collector, and that proceedings to enforce said forfeiture shall have [been] commenced by such collector within twenty days after the seizure thereof. And the proceedings to enforce said forfeiture of said property shall be in the *the* nature of a proceeding in rem, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

Post, p. 472.

Provisos.

Post, p. 472.

Ten per cent. to be added when duties are not paid in time, &c.

SEC. 69. *And be it further enacted*, That in all cases in which the duties aforesaid, payable on spirits distilled and sold, or removed for consumption or sale, or beer, lager beer, ale, porter, and other similar fermented liquors, shall not be paid at the time of rendering the account of the same, or at the time when they shall have become payable, as herein required, to the collector or deputy collector of the district, the person or persons chargeable therewith shall pay, in addition, ten per centum on the amount thereof; and, until such duties, with such addition, shall be paid, they shall be and remain a lien upon the distillery where such liquors have been distilled, and upon the brewery where such liquors have been brewed, and upon the stills, boilers, vats, and all other implements thereto belonging, and upon the lot or tract of land whereon the distillery or brewery is situate, until the same shall have been paid: And in case of refusal or neglect to pay said duties, with the addition, within ten days after the same shall have become payable, the amount thereof may be recovered by distraint and sale of the goods, chattels, and effects of the delinquent.

Duties until paid, to be a lien, &c.

Penalty for not furnishing account, &c.

SEC. 70. *And be it further enacted*, That every person licensed as aforesaid to distil spirits, or licensed as a brewer, who shall neglect or refuse to furnish the account and duplicate thereof, as hereinbefore provided, or who shall refuse to permit the said assessor, assistant assessor, collector or deputy collector, or inspector to examine the books in the manner provided for, when requested, shall, for every such refusal or neglect, forfeit the sum of three hundred dollars.

Licenses.

LICENSES.

Certain persons not to engage in business unless licensed.

SEC. 71. *And be it further enacted*, That no person, firm, company, or corporation shall be engaged in, prosecute, or carry on any trade, business, or profession, hereinafter mentioned and described, until he or they shall have obtained a license therefor in the manner hereinafter provided.

Persons, &c., to register names, &c., with assessors.

SEC. 72. *And be it further enacted*, That every person, firm, company, or corporation required by this act to obtain a license to engage in any trade, business, or profession, for which a license is required by law, shall register with the assistant assessor of the assessment district, in which he shall design to carry on such trade, business, or profession, first, his or their name or style, and in case of a firm or company, the names of the several

persons constituting such firm or company, and their places of residence; second, the trade, business, or profession for which a license is desired; third, the place where such trade, business, or profession is to be carried on; fourth, if a rectifier, the number of barrels he designs to rectify; if a peddler, whether he designs to travel on foot, or with one, two, or more horses; if an innkeeper, the yearly rental value of the house and property to be occupied for said purpose; if not rented, the assistant assessor shall value the same. All of which facts shall be returned duly certified by such assistant assessor, both to the assessor and collector of the district; and thereupon, upon payment to the collector or deputy collector of the district the amount as hereinafter provided, such collector or deputy collector shall make out and deliver a license for such trade, business, or profession.

Names to be registered for licenses.

SEC. 73. *And be it further enacted*, That if any person or persons shall exercise or carry on any trade, business, or profession, or do any act hereinafter mentioned, for the exercising, carrying on, or doing of which trade, business, or profession, a license is required by this act, without taking out such license as in that behalf required, he, she, or they shall, for every such offence, besides being liable to the payment of the tax, be subject to imprisonment for a term not exceeding two years, or a fine not exceeding five hundred dollars, or both, one moiety of such fine to the use of the United States, the other moiety to the use of the person who shall first give information of the fact whereby said forfeiture was incurred.

Penalty for carrying on trade without a license.

SEC. 74. *And be it further enacted*, That in every license to be taken out under or by authority of this act, shall be contained and set forth the purpose, trade, business, or profession for which such license is granted, and the name and place of abode of the person or persons taking out the same; if for a rectifier, the quantity of spirits authorized to be rectified; if by a peddler, whether authorized to travel on foot, or with *or* [one,] or two, or more horses, the time for which such license is to run, and the date or time of granting such license, and (except in the case of auctioneers and peddlers) the place at which the trade, business, or profession for which such license is granted shall be carried on: *Provided*, That a license granted under this act shall not authorize the person or persons, (except lawyers, physicians, surgeons, dentists, cattle brokers, horse-dealers, and auctioneers,) or firm, company, or corporation mentioned therein, to exercise or carry on the trade, business, or profession specified in such license in any other place than that mentioned therein, or otherwise provided; but nothing herein contained shall prohibit the storage of goods, wares, or merchandise in other places than the place of business, nor the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, or at their principal office or place of business, provided no goods, wares, and merchandise shall be kept for sale at such office. And every person exercising or carrying on any trade, business, or profession, or doing any act for which a license is required, shall, on demand of any officer of internal revenue, produce such license, and unless he shall do so, may be taken and deemed to have no license. And in case any peddler shall refuse to produce his or her license when demanded by any officer of internal revenue, said officer may seize the horse, wagon, and contents, or pack, bundle, or basket of any person so refusing, and hold the same until the license is produced. And all licenses granted after the first day of May in any year shall continue in force until the first day of May next succeeding, and shall be issued upon the payment of a ratable proportion of the whole amount of duty imposed for such license; and each license so granted shall be dated on the first day of the month in which the liability therefor accrued.

License to state what; *Post*, p. 472. to authorize what; *Post*, p. 472. to continue in force how long.

SEC. 75. *And be it further enacted*, That upon the death of any person or persons licensed under or by virtue of this act, or upon the removal of any person or persons from the house or premises at which the trade,

Upon death or removal of

persons licensed, what may be done.

business, or profession mentioned in such license, was authorized, it may and shall be lawful for the collector to authorize, by indorsement on such license, or otherwise, as the commissioner of internal revenue shall direct, the person or persons so removing, as aforesaid, to any other place, to carry on the trade, business, or profession specified in such license, at the place to which such person may have removed, or the executors or administrators, or the wife or child of such deceased person, or the assignee or assigns of such person or persons so removing as aforesaid, who shall be possessed of and occupy the house or premises before used for such purpose as aforesaid, in like manner to exercise or carry on the same trade, business, or profession mentioned in such license, in or upon the same house or premises at which said person or persons, as aforesaid, deceased or removing as before mentioned, by virtue of such license before exercised or carried on such trade, business, or profession, for or during the residue of the term for which such license was originally granted, without taking out any fresh license for the residue of such term, until the expiration thereof: *Provided, always*, That a fresh entry of the premises at which such trade, business, or profession shall continue to be exercised or carried on, as aforesaid, shall thereupon be made by, and in the name or names of, the person or persons to whom such authority, as aforesaid, shall be granted.

Proviso.

If person has more than one employment, license must be taken for each.

SEC. 76. *And be it further enacted*, That in every case where more than one of the pursuits, employments, or occupations, hereinafter described, shall be pursued or carried on in the same place by the same person at the same time, except as therein mentioned, license must be taken out for each according to the rates severally prescribed: *Provided*, That in cities and towns having a less population than six thousand persons according to the last preceding census, one license, if so applied for, may embrace the business of land warrant brokers, claim agents, and real estate agents, upon payment of the highest fee for licenses applicable to either one of said pursuits.

Proviso.

Auctioneers not to sell goods at private sale.

SEC. 77. *And be it further enacted*, That no auctioneer shall be authorized, by virtue of his license as such auctioneer, to employ any other person to act as auctioneer in his behalf, except in his own store or warehouse, or in his presence, or by virtue of said license to sell any goods or other property at private sale; and any auctioneer who shall sell any goods or commodities, otherwise than by auction, without having taking out a license for that purpose, shall be subject and liable to the penalty imposed upon persons dealing in, or retailing, trading, or selling any such goods or commodities without license, notwithstanding any license granted, as aforesaid, for the purpose of exercising or carrying on the trade or business of an auctioneer; and where such goods or commodities are the property of any person or persons duly licensed to deal in, or retail, or trade in, or sell the same, such person or persons having made lawful entry of his, her, or their house or premises for such purpose, it shall and may be lawful for any person exercising or carrying on the trade or business of an auctioneer being duly licensed for that purpose, to sell such goods or commodities for and on behalf of such person or persons in said house or premises, without taking out a separate license for such sale.

Judicial sales, &c.

The provisions of this section shall not apply to judicial or executive officers making auction sales by virtue of any judgment or decree of any court, nor public sales made by executors and administrators.

Licenses not to exempt from operation of state laws.

SEC. 78. *And be it further enacted*, That no license hereinbefore provided for shall, if granted, be held, or construed to exempt any person carrying on the trade, business, or profession specified in said license from any penalty or punishment provided by the laws of any state for carrying on such trade, business, or profession, within such state, or in any manner to authorize the commencement or continuance of such trade, business, or profession, contrary to the laws of such state, or in places

prohibited by municipal law; nor shall any such license be held or construed to prevent or prohibit any state from placing a duty or tax for state or other purposes on any trade, business, or profession, for which a license is required by this act; no[r] shall any person carrying on any trade, business, or profession, for which a license is required by this act, be exempted from procuring such license, or from any penalty or punishment herein provided, by, or in consequence of, any state law either authorizing or prohibiting such trade, business, or profession.

State laws not to exempt from procuring license.

SEC. 79. *And be it further enacted*, That there shall be paid annually for each license granted, the sum herein stated, respectively. Any number of persons, except lawyers, conveyancers, claim agents, physicians, surgeons, dentists, cattle brokers, horse-dealers, and peddlers, carrying on such business in copartnership, may transact such business at the place specified in their license, and not otherwise, that is to say: —

Sums for licenses.

Post, p. 472.

Copartners to pay but one license, except, &c.

One. Bankers, using or employing a capital not exceeding the sum of fifty thousand dollars, shall pay one hundred dollars for each license; when using or employing a capital exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, two dollars. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale, shall be regarded a banker under this act: *Provided*, That any savings-bank having no capital stock, and whose business is confined to receiving deposits and loaning the same for the benefit of its depositors, and which does no other business of banking, shall not be liable to pay for a license as a banker.

Bankers.

Savings-banks need not have license.

Two. Wholesale dealers, whose annual sales do not exceed fifty thousand dollars, shall pay fifty dollars for each license; and if exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, one dollar. Every person shall be regarded as a wholesale dealer under this act whose business it is to sell, or offer to sell, any goods, wares, or merchandise of foreign or domestic production, not including wines, spirits, or malt liquors, whose annual sales exceed twenty-five thousand dollars. And the license required by any wholesale dealer shall not be for a less amount than his sales for the previous year, unless he has made or proposes to make some change in his business that will, in the judgment of the assessor or assistant assessor, reduce the amount of his annual sales; nor shall any license as a wholesale dealer allow any such person to act as a commercial broker: *Provided*, That any license understated may and shall be again assessed, and that no person holding a license as a wholesale dealer in liquors shall be required to take an additional license on account of the sale of other goods, wares, or merchandise on the same premises.

Wholesale dealers.

Three. Retail dealers shall pay ten dollars for each license. Every person whose business or occupation it is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, not including spirits, wines, ale, beer, or other malt liquors, and whose annual sales exceed one thousand, and do not exceed twenty-five thousand dollars, shall be regarded as a retail dealer under this act.

Retail dealers.

Four. Wholesale dealers in liquors, whose annual sales do not exceed fifty thousand dollars, shall pay fifty dollars for each license; and if exceeding fifty thousand dollars, for every additional one thousand dollars in excess of fifty thousand dollars, one dollar. Every person who shall sell, or offer for sale, any distilled spirits, fermented liquors, or wines of any kind, in quantities of more than three gallons at one time to the same purchaser, or whose annual sales, including sales of other

Wholesale dealers in liquors.

merchandise, shall exceed twenty-five thousand dollars, shall be regarded a wholesale dealer in liquors.

Retail dealers in liquors.

Five. Retail dealers in liquors shall pay twenty-five dollars for each license. Every person who shall sell or offer for sale foreign or domestic spirits, wines, ale, beer, or other malt liquors in quantities of three gallons or less, or whose annual sales, including all sales of other merchandise, do not exceed twenty-five thousand dollars, shall be regarded as a retail dealer in liquors under this act. But nothing herein contained shall authorize the sale of any spirits, wines, or malt liquors to be drank on the premises.

Lottery-ticket dealers.

Six. Lottery-ticket dealers shall pay one hundred dollars for each license. Every person, association, firm, or corporation who shall make, sell, or offer to sell lottery tickets, or fractional parts thereof, or any token, certificate, or device representing, or intended to represent, a lottery ticket, or any fractional part thereof, or any policy of numbers in any lottery, or shall manage any lottery or prepare schemes of lotteries, or superintend the drawing of any lottery, shall be deemed a lottery-ticket dealer under this act.

Post, p. 472.

Horse-dealers.

Seven. Horse-dealers shall pay for each license the sum of ten dollars. Any person whose business it is to buy or sell horses or mules shall be regarded a horse-dealer under this act: *Provided*, That one license having been paid, no additional license shall be required of any horse-dealer who keeps a livery-stable, nor of any livery-stable keeper who may also be a horse-dealer.

Proviso.

Livery-stable keepers.

Eight. Livery-stable keepers shall pay ten dollars for each license. Any person whose business it is to keep horses for hire, or to let, or to keep, feed, or board horses for others, shall be regarded as a livery-stable keeper under this act.

Brokers.

Nine. Brokers shall pay fifty dollars for each license. Every person, firm, or company, except such as hold a license as a banker, whose business it is as a broker to negotiate purchases or sales of stocks, exchange, bullion, coined money, bank notes, promissory notes, or other securities, shall be regarded as a broker, under this act, and shall make oath or affirmation, according to the form to be prescribed by the commissioner of internal revenue, that all their transactions are made for a commission: *Provided*, That any person holding a license as a banker shall not be required to take out a license as a broker.

Post, p. 472.

Pawnbrokers.

Ten. Pawnbrokers, using or employing a capital of not exceeding fifty thousand dollars, shall pay fifty dollars for each license, and when using or employing a capital exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, two dollars. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, for the repayment or security of money lent thereon, shall be deemed a pawnbroker under this act.

Land-warrant brokers.

Eleven. Land-warrant brokers shall pay twenty-five dollars for each license. Any person shall be regarded as a land-warrant broker within the meaning of this act who makes a business of buying and selling land-warrants, or of furnishing them to settlers or other persons.

Cattle brokers.

Twelve. Cattle brokers, whose annual sales do not exceed ten thousand dollars, shall pay for each license the sum of ten dollars; and if exceeding the sum of ten thousand dollars, one dollar for each additional thousand dollars. Any person whose business it is to buy, or sell, or deal in cattle, hogs, or sheep, shall be considered as a cattle broker.

Produce brokers.

Thirteen. Produce brokers, whose annual sales do not exceed the sum of ten thousand dollars, shall pay ten dollars for each license. Every person, other than one holding a license as a broker, wholesale or retail dealer, whose occupation it is to buy or sell agricultural or farm products

and whose annual sales do not exceed ten thousand dollars, shall be regarded as a produce broker under this act.

Commercial brokers.

Fourteen. Commercial brokers shall pay twenty dollars for each license. Any person or firm, whose business it is, as a broker, to negotiate sales or purchases of goods, wares, produce, or merchandise, not otherwise provided for in this act, or seek orders therefor, in original or unbroken packages, or to negotiate freights and other business for the owners of vessels, or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded a commercial broker under this act.

Custom-house brokers.

Fifteen. Custom-house brokers shall pay ten dollars for each license. Every person whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded a custom-house broker under this act.

Distillers.

Sixteen. Distillers shall pay fifty dollars for each license. Every person, firm, or corporation who distils or manufactures spirits for sale shall be deemed a distiller under this act: *Provided*, That any person, firm, or corporation, distilling or manufacturing less than three hundred barrels per year shall pay twenty-five dollars for a license: *And provided, further*, That no license shall be required for any still, stills, or other apparatus used by druggists and chemists for the recovery of alcohol for pharmaceutical and chemical or scientific purposes which has been used in those processes: *And provided, further*, That distillers of apples, grapes, and peaches, distilling or manufacturing less than one hundred and fifty barrels per year from the same, shall pay twelve and one half dollars for a license for that purpose.

Brewers.

Seventeen. Brewers shall pay fifty dollars for each license. Every person, firm, or corporation, who manufactures fermented liquors of any name or description, for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer under this act: *Provided*, That any person, firm, or corporation who manufactures less than five hundred barrels per year shall pay the sum of twenty-five dollars for a license.

Rectifiers.

Eighteen. Rectifiers shall pay twenty-five dollars for each license to rectify any quantity of spirituous liquors, not exceeding five hundred barrels, packages, or casks, containing not more than forty gallons to each barrel, package, or cask of liquor so rectified; and twenty-five dollars additional for each additional five hundred such barrels, packages, or casks, or any fractional part thereof. Every person, firm, or corporation, who rectifies, purifies, or refines spirituous liquors or wines by any process, or mixes distilled spirits, whiskey, brandy, gin, or wine, with any materials for sale under the name of whiskey, rum, brandy, gin, wine, or any other name, shall be regarded as a rectifier under this act.

Coal-oil distillers.

Nineteen. Coal-oil distillers shall pay for each license the sum of fifty dollars. Any person, firm, or corporation, who shall refine, produce, or distil crude or refined petroleum or rock-oil, or crude coal-oil, or crude or refined oil made of asphaltum, shale, peat, or other bituminous substances, or shall manufacture coal illuminating oil, shall be regarded a coal-oil distiller under this act.

Hotels, inns, and taverns.

Twenty. Hotels, inns, and taverns shall be classified and rated according to the yearly rental, or, if not rented, according to the estimated yearly rental, of the house and property intended to be occupied for said purposes, as follows, to wit: All cases where the rent or valuation of the yearly rental of said house and property shall be two hundred dollars, or less, shall pay ten dollars. And if exceeding two hundred dollars, for any additional one hundred dollars or fractional part thereof in excess of two hundred dollars, five dollars. Every place where food and lodging are provided for and furnished to travellers and sojourners, in view of payment therefor, shall be regarded as a hotel, inn, or tavern under this

act: *Provided*, That nothing herein contained shall be construed to exempt keepers of hotels, taverns, and eating-houses in which liquors are sold by retail, to be drank upon the premises, from taking out a license for such sale, for which license they shall pay a tax of twenty-five dollars. The yearly rental shall be fixed and established by the assessor of the proper district at its proper value, but if rented, at not less than the actual rent agreed on by the parties. All steamers and vessels, upon waters of the United States, on board of which passengers or travellers are provided with food or lodgings, shall be subject to, and required to pay, twenty-five

Proviso.

dollars for each license: *Provided*, That if there be any fraud or collusion in the return of actual rent to the assessor, there shall be a penalty equal to double the amount of licenses required by this section, to be collected as other penalties under this act are collected.

Eating-houses.

Twenty-one. Eating-houses shall pay ten dollars for each license. Every place where food or refreshments of any kind, not including spirits, wines, ale, beer, or other malt liquors, are provided for casual visitors and sold for consumption therein, shall be regarded as an eating-house under this act. But the keeper of an eating-house, having taken out a license therefor, shall not be required to take out a license as a confectioner, anything in this act to the contra[r]y notwithstanding.

Confectioners.

Twenty-two. Confectioners shall pay ten dollars for each license. Every person who sells at retail confectionery, sweetmeats, comfits, or other confects, in any building, shall be regarded as a confectioner under this act. But wholesale and retail dealers, having taken out a license therefor, shall not be required to take out a license as confectioner, anything in this act to the contrary notwithstanding.

Claim-agents, &c.

Twenty-three. Claim-agents and agents for procuring patents shall pay ten dollars for each license. Every person whose business it is to prosecute claims in any of the executive departments of the federal government, or procure patents, shall be deemed a claim or patent agent, as the case may be, under this act.

Patent-right dealers.

Twenty-four. Patent-right dealers shall pay ten dollars for each license. Every person whose business it is to sell, or offer for sale, patent-rights shall be regarded a patent-right dealer under this act.

Real-estate agents.

Twenty-five. Real-estate agents shall pay ten dollars for each license. Every person whose business it is to sell, or offer for sale, real estate for others, or to rent houses, stores, or other buildings or real estate, or to collect rent for others, shall be regarded as a real-estate agent under this act.

Conveyancers.

Twenty-six. Conveyancers shall pay ten dollars for each license. Every person, other than one holding a license as a lawyer or claim-agent, whose business it is to draw deeds, bonds, mortgages, wills, writs, or other legal papers, or to examine titles to real estate, shall be regarded a conveyancer under this act.

Intelligence-office keepers.

Twenty-seven. Intelligence-office keepers shall pay ten dollars for each license. Every person whose business it is to find or furnish places of employment for others, or to find or furnish servants upon application in writing or otherwise, receiving compensation therefor, shall be regarded as an intelligence-office keeper under this act.

Insurance agents.

Twenty-eight. Insurance agents shall pay ten dollars for each license. Any person who shall act as agent of any fire, marine, life, mutual, or other insurance company or companies, shall be regarded as an insurance

Proviso.

agent under this act: *Provided*, That no license shall be required of any

[Stricken out. *Post*, p. 473].

insurance agent or broker whose receipts, as such agent, are less than the sum of three hundred dollars in any one year.

Foreign insurance agents.

Twenty-nine. Foreign insurance agents shall pay fifty dollars for each license. Every person who shall act as agent of any foreign fire, marine, life, mutual, or other insurance company or companies, shall be regarded as a foreign insurance agent under this act.

Auctioneers.

Thirty. Auctioneers, whose annual sales do not exceed ten thousand dollars, shall pay ten dollars for each license; auctioneers, whose annual sales exceed ten thousand dollars, shall pay twenty dollars for each license. Every person shall be deemed an auctioneer within the meaning of this act, whose business it is to offer property for sale to the highest or best bidder.

Manufacturers.

Thirty-one. Manufacturers shall pay ten dollars for each license. Any person, firm, or corporation, who shall manufacture by hand or machinery any goods, wares, or merchandise, exceeding annually the sum of one thousand dollars, shall be regarded a manufacturer under this act.

Peddlers.

Thirty-two. Peddlers shall be classified and rated as follows, to wit: when travelling with more than two horses, or mules, the first class, and shall pay fifty dollars for each license; when travelling with two horses, or mules, the second class, and shall pay twenty-five dollars for each license; when travelling with one horse, or mule, the third class, and shall pay fifteen dollars for each license; when travelling on foot, the fourth class, and shall pay ten dollars for each license. Any person, except persons peddling only newspapers, Bibles, or religious tracts, who sells or offers to sell, at retail, goods, wares, or other commodities, travelling from place to place, in the street, or through different parts of the country, shall be regarded a peddler under this act: *Provided*, That any peddler who sells, or offers to sell, dry goods, foreign and domestic, by one or more original packages or pieces, at one time, to the same person or persons, shall pay fifty dollars for each license. And any person who peddles jewelry shall pay fifty dollars for each license: *Provided, further*, That manufacturers and producers of agricultural tools and implements, garden-seeds, stoves, and hollow ware, brooms, wooden ware, and powder, delivering and selling at wholesale any of said articles, by themselves or their authorized agents, at places other than the place of manufacture, shall not be required, for any sale thus made, to take out any additional license therefor: *Provided, further*, That nothing contained in this paragraph shall authorize the sale of wine, spirits, or malt liquors.

Provisos.

[Additional proviso. *Post*, p. 473.]

Apothecaries.

Thirty-three. Apothecaries shall pay ten dollars for each license. Every person who keeps a shop or building where medicines are compounded or prepared according to prescriptions of physicians, or where medicines are sold, shall be regarded an apothecary under this act. But wholesale and retail dealers, who have taken out a license therefor, shall not be required to take out a license as apothecary, anything in this act to the contrary notwithstanding; nor shall apothecaries, who have taken out a license as such, be required to take out a license as retail dealers in liquor in consequence of selling alcohol.

Photographers.

Thirty-four. Photographers shall pay ten dollars for each license when the receipts do not exceed five hundred dollars; when over five hundred dollars and under one thousand dollars, fifteen dollars; when over one thousand dollars, twenty-five dollars. Any person or persons who make for sale photographs, ambrotypes, daguerreotypes, or pictures, by the action of light, shall be regarded a photographer under this act.

Tobacconists.

Thirty-five. Tobacconists shall pay ten dollars for each license. Any person, firm, or corporation whose business it is to sell, at retail, cigars, snuff, or tobacco in any form, shall be regarded a tobacconist under this act. But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having taken out a license therefor, shall not be required to take out a license as tobacconists, anything in this act to the contrary notwithstanding.

Butchers.

Thirty-six. Butchers shall pay ten dollars for each license. Every person whose business it is to sell butchers' meat at retail shall be regarded as a butcher under this act: *Provided*, That no butcher having taken out a license, and paid ten dollars therefor, shall be required to take out a license as retail dealer on account of selling other articles at

Proviso.

Proviso.

the same store, stall, or premises: *Provided, further*, That butchers whose annual sales do not exceed one thousand dollars, and butchers who retail butchers' meat exclusively by themselves or agents, and persons who sell shell or other fish, or both, travelling from place to place, and not from any shop or stand, shall be required to pay five dollars only for each license, any existing law to the contrary notwithstanding; and having taken out a license therefor, shall not be required to take out a license as a peddler for retailing butchers' meat or fish, as aforesaid. And no license shall be required of persons who sell shell or other fish from handcarts or wheelbarrows exclusively.

Theatres, museums, concert-halls, &c.

Thirty-seven. Proprietors of theatres, museums, and concert-halls receiving pay as entrance-money, shall pay one hundred dollars for each license. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, and not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theatre under this act: *Provided*, That when any such edifice is under lease at the passage of this act, the fee for license shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

Proviso.

Circuses.

Thirty-eight. The proprietor or proprietors of circuses shall pay one hundred dollars for each license. Every building, tent, space, or area, where feats of horsemanship or acrobatic sports or theatrical performances are exhibited, shall be regarded as a circus under this act: *Provided*, That no license procured in one state shall be held to authorize exhibitions in another state. And but one license shall be required under this act to authorize exhibitions within any one state.

Proviso.

Jugglers.

Thirty-nine. Jugglers shall pay for each license twenty dollars. Every person who performs by sleight of hand shall be regarded as a juggler under this act. The proprietors or agents of all other public exhibitions or shows for money, not enumerated in this section, shall pay for each license ten dollars: *Provided*, That no license procured in one state shall be held to authorize exhibitions in another state. And but one license shall be required under this act to authorize exhibitions within any one state.

Proviso.

Bowling-alleys and billiard-rooms.

Forty. Bowling-alleys and billiard-rooms shall pay ten dollars for every alley or table in the building or place to be licensed. Every place or building where bowls are thrown or billiards played, and open to the public with or without price, shall be regarded as a bowling-alley or billiard-room, respectively, under this act.

Gift enterprises.

Forty-one. Proprietors of gift enterprises shall pay fifty dollars for each license. Every person, firm, or corporation, who shall sell, or offer for sale, any article of merchandise of any description whatsoever, with a promise, express or implied, to give or bestow, or in any manner to hold out to the public the promise of gift or bestowal of any article or thing for and in consideration of the purchase by any person of any other article, or thing, shall be regarded a proprietor of a gift enterprise under this act: *Provided*, That no such proprietor, in consequence of being thus licensed, shall be exempt from paying any other license or tax required by law, and the license herein required shall be in addition thereto.

Proviso.

Stallions and jacks.

Forty-two. Owners of stallions and jacks shall pay ten dollars for each license. Every person who keeps a male horse or a jack for the use of mares, requiring or receiving pay therefor, shall be required to take out a license under this act, which shall contain a brief description of the animal, its age, and place or places where used or to be used: *Provided*, That all accounts, notes, or demands, for the use of any such horse or jack without a license, as aforesaid, shall be invalid and of no force in any court of law or equity.

Lawyers.

Forty-three. Lawyers shall pay ten dollars for each license. Every person who, for fee or reward, shall prosecute or defend causes in any

court of record or other judicial tribunal of the United States, or of any of the states, or give legal advice in relation to any cause or matter whatever, shall be deemed to be a lawyer within the meaning of this act.

Physicians, surgeons, and dentists.

Forty-four. Physicians, surgeons, and dentists shall pay ten dollars for each license. Every person (except apothecaries) whose business it is, for fee and reward, to prescribe remedies or perform surgical operations for the cure of any bodily disease or ailing, shall be deemed a physician, surgeon, or dentist, as the case may be, within the meaning of this act.

Architects and civil engineers.

Forty-five. Architects and civil engineers shall pay ten dollars for each license. Every person whose business it is to plan, design, or superintend the construction of buildings, or ships, or of roads, or bridges, or canals, or railroads, shall be regarded as an architect and civil engineer under this act: *Provided*, That this shall not include a practical carpenter who labors on a building.

Builders and contractors

Forty-six. Builders and contractors shall pay twenty-five dollars for each license; and if his said contracts in any one year exceed in amount twenty-five thousand dollars, he shall pay one dollar on every additional thousand dollars in excess thereof. Every person whose business it is to construct buildings, or ships, or bridges, or canals, or railroads by contract, shall be regarded as a builder and contractor under this act: *Provided*, That no license shall be required from any person whose building contracts do not exceed two thousand five hundred dollars in any one year.

Plumbers and gas-fitters.

Forty-seven. Plumbers and gas-fitters shall pay ten dollars for each license. Every person, firm, or corporation, whose business it is to fit, furnish, or sell plumbing materials, gas-pipes, gas-burners, or other gas-fixtures, shall be regarded a plumber and gas-fitter within the meaning of this act.

Assayers.

Forty-eight. Assayers, assaying gold and silver, or either, of a value not exceeding in one year two hundred and fifty thousand dollars, shall pay one hundred dollars for each license, and two hundred dollars when the value exceeds two hundred and fifty thousand dollars and does not exceed five hundred thousand dollars, and five hundred dollars when the value exceeds five hundred thousand dollars. Any person or persons or corporation whose business or occupation it is to separate gold and silver from other metals or mineral substances with which such gold or silver, or both, are alloyed, combined, or united, or to ascertain or determine the quantity of gold or silver in any alloy or combination with other metals, shall be deemed an assayer for the purpose of this act.

Other trade or business.

[Stricken out. *Post*, p. 473]

Forty-nine. A license fee of ten dollars shall be required of every person, firm, or corporation engaged in any business, trade, or profession whatsoever, for which no other license is herein required, whose gross annual receipts therefrom exceed the sum of one thousand dollars per annum.

Apothecaries, &c., whose sales do not exceed one thousand dollars, need not take license.

SEC. 80. *And be it further enacted*, That where the annual gross receipts or sales of any apothecaries, confectioners, eating-houses, tobacconists, or retail dealers, except retail dealers in spirituous and malt liquors, shall not exceed the sum of one thousand dollars, such apothecaries, confectioners, eating-houses, tobacconists, and retail dealers shall not be required to take out or pay for license, anything in this act to the contrary notwithstanding; the amount or estimated amount of such annual sales to be ascertained or estimated in such manner as the commissioner of internal revenue shall prescribe, and so of all other annual sales or receipts, where the rate of the license is graduated by the amount of sales or receipts; and where the amount of the license or the rate has been increased, or is liable to be increased, by law above the amount of any existing license to any person, firm, or company, or has been understated or under-

estimated, such person, firm, or company shall be again assessed and pay the amount of such increase, which shall be indorsed on the original license, which shall thereafter be held good and sufficient.

Manufacturers, &c., may sell their own articles at, &c., without license.

Sec. 81. *And be it further enacted*, That nothing contained in the preceding sections of this act, requiring licenses, shall be construed to require an additional license as a dealer for the sale of goods, wares, and merchandise made or produced and sold by the manufacturer or producer at the manufactory or place where the same is made or produced, or at the principal office or place of business, as provided in section *seventy-three* [seventy-four] of this act; [nor] to *vinters* [vintners] who sell, at the place where the same is made, wine of their own growth; nor to apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines; nor shall any provisions be construed to prohibit physicians from keeping on hand medicines solely for the purpose of making up their own prescriptions for their own patients.

Post, p. 473.

Manufactures, articles, and products.

MANUFACTURES, ARTICLES, AND PRODUCTS.

Specific and ad valorem duty.

Specific and ad valorem duty.

Sec. 82. *And be it further enacted*, That every individual, partnership, firm, association, or corporation, (and any word or words in this act indicating or referring to person or persons shall be taken to mean and include partnerships, firms, associations, or corporations, when not otherwise designated or manifestly incompatible with the intent thereof,) shall comply with the following requirements, that is to say: —

Word "persons" to include partnerships, corporations, &c.

Manufacturer to give assessors a statement.

First. Before commencing, or, if already commenced, before continuing, any manufacture liable to be assessed, under the provisions of this act, and which shall not be differently provided for elsewhere, every person shall furnish, without previous demand therefor, to the assistant assessor a statement, subscribed and sworn to, or affirmed, setting forth the place where the manufacture is to be carried on, and the principal place of business for sales, the name of the manufactured article, the proposed market for the same, whether foreign or domestic, and generally the kind and quality manufactured or proposed to be manufactured.

To make monthly return.

Second. He shall within ten days after the first day of each and every month, or on or before a day prescribed by the commissioner of internal revenue, make return under oath or affirmation of the products and sales or delivery of such manufacture in form and detail as may be required, from time to time, by the commissioner of internal revenue.

Form of returns.

Third. All such returns, statements, descriptions, memoranda, oaths, and affirmations, shall be in form, scope, and detail as may be prescribed, from time to time, by the commissioner of internal revenue.

Duties to be paid monthly.

Sec. 83. *And be it further enacted*, That upon the amounts, quantities, and values of produce, goods, wares, merchandise, and articles produced or manufactured, and sold or delivered, hereinafter enumerated, the manufacturer or producer thereof, whether manufactured or produced for himself or for others, shall pay to the collector of internal revenue within his district, monthly, or on or before a day to be prescribed by the commissioner of internal revenue, the duties on such products or manufactures. And for neglect to pay such duties within ten days after demand, in writing delivered to him in person, or left at his house or place of business, or manufactory, or sent by mail, the amount of such duties, with the additions hereinbefore prescribed, may be levied upon the real and personal property of any such producer or manufacturer. And such duties and additions, and whatever shall be the expenses of levy, shall be a lien from the day prescribed by the commissioner for their payment aforesaid, in favor of the United States, upon the said real and personal property of such producer or manufacturer; and such lien may be enforced by distraint, as

[Amended, *Post*, p. 473.]

Penalty for neglect.

Duties to be a lien.

provided in this act. And in all cases of goods manufactured or produced, in whole or in part upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the produced or manufactured goods.

Articles to be forfeited for neglect to pay duty.

SEC. 84. *And be it further enacted*, That for neglect or refusal to pay the duties provided by law on manufactured articles, or articles produced, as aforesaid, the goods, wares, and merchandise manufactured or produced and unsold by, or not passed out of the possession of, such manufacturer or producer, shall be forfeited to the United States, and may be sold or disposed of for the benefit of the same, in manner as shall be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury. In such case the collector or deputy collector may take possession of said articles, and may maintain such possession in the premises and buildings where they may have been manufactured, or deposited, or may be. He shall summon, giving notice of not less than two, nor more than ten, days, the parties in possession of said goods, enjoining them to appear before the assessor or assistant assessor, at a day and hour in such summons fixed, then and there to show cause, if any there be, why, for such neglect or refusal, such articles should not be declared forfeited to the United States. The manufacturers or producers thereof shall be deemed to be the parties interested, if the articles shall be, at the time of taking such possession, upon the premises where manufactured or produced; if they shall at such time have been removed from the place of manufacture or production, the parties interested shall be deemed to be the persons or parties in whose custody or possession the articles shall be found. Such summons shall be served upon such parties in person, or by leaving a copy thereof at the place of abode or business of the party to whom the same may be directed. In case no such party or place can be found, which fact shall be determined by the collector's return on the summons, such notice, in the nature of a summons, shall be given by advertisement for the term of three weeks in one newspaper in the county nearest to the place of such sale. If at or before such hearing such duties shall not have been paid, and the assessor or assistant assessor shall adjudge the summons and notice, service and return of the same to be sufficient, the said articles shall be by him declared forfeit, and shall be sold, disposed of, or turned over by the collector to the use of any department of the government as may be directed by the Secretary of the Treasury, who may require of any officer of the government, into whose possession the same may be turned over, the proper voucher therefor; and the proceeds of sale of said articles, if any there be after deducting the duties and additions thereon, together with the fees, costs, and expenses of all proceedings incident to the seizure and sale, to be determined by said commissioner, shall be refunded and paid to the owner, or, if he cannot be found, to the manufacturer or producer in whose custody the articles were when seized, as the said commissioner may deem just, by draft on the same, or some other collector; or if the said articles are turned over without sale to the use of any department of the government, the excess of the value of said articles, after deducting the amount of the duties, additions, fees, costs, and expenses accrued thereon when turned over as aforesaid, shall be refunded and paid by the said department to the owner, or, if he cannot be found, to the manufacturer or producer in whose custody or possession the said articles were when seized as aforesaid. The commissioner of internal revenue, with the approval of the Secretary of [the] Treasury, may review any such case of forfeiture, and do justice in the premises. If the forfeiture shall have been wrongly declared, and sale made, the Secretary is hereby authorized, in case the specific articles cannot be restored to the

Collector to take possession

Subsequent proceedings.

Summons.

Service.

Articles when to be declared forfeit.

Secretary may review decision.

party aggrieved in as good order and condition as when seized, to make up to such party in money his loss and damage from the contingent fund of his department. Immediate notice of any seizure of manufactured articles or products shall be given to the commissioner of internal revenue by the collector or deputy collector, who shall also make return of his proceedings to the said commissioner after he shall have sold or otherwise disposed of the articles or products so forfeited; and the assessor or assistant assessor shall also make return of his proceedings relating to such forfeiture to the said commissioner. And any violation of, or refusal to comply with, the provisions of the *eighty-first* [eighty-second] section of this act, shall be good cause for seizure and forfeiture, substantially in manner as detailed in this section; but before forfeiture shall be declared by virtue of the provisions of this section, the amount of duties which may be due from the person whose manufactures or products are seized, shall first be ascertained in the manner prescribed in the *eighty-fourth* [eighty-fifth] section of this act; and such violation or refusal to comply shall further make any party so violating, or refusing to comply, liable to a fine or penalty of five hundred dollars, to be recovered in manner and form as provided in this act. Articles which the collector may adjudge perishable may be sold or disposed of before declaration of forfeiture. Said sales shall be made at public auction, and notice thereof shall be given as the said commissioner shall prescribe.

Causes for seizure and forfeiture.

Post, p. 473.

Sale of perishable articles.

Amount, &c., of manufactures to be estimated.

SEC. 85. *And be it further enacted*, That in case of the manufacture and sale, or production and sale, consumption, or delivery of any goods, wares, merchandise, or articles as hereinafter mentioned, without compliance on the part of the party manufacturing or producing the same with all the requirements and regulations prescribed by law in relation thereto, the assistant assessor may, upon such information as he may have, assume and estimate the amount and value of such manufactures or products, and upon such assumed amount assess the duties, and add thereto fifty per centum; and said duties shall be collected in like manner as in case the provisions of this act in relation thereto had been complied with, and to such articles all the foregoing provisions for liens, fines, penalties, and forfeitures, shall in like manner apply.

Manufacturers, &c., to render account of sales.

SEC. 86. *And be it further enacted*, That any person, firm, company, or corporation, manufacturing or producing goods, wares, and merchandise, sold or removed for consumption or use, upon which duties or taxes are imposed by law, shall, in their return of the value and quantity, render an account of the full amount of actual sales made by the manufacturer, producer, or agent thereof, and shall state in a separate column the items and account of the deductions, if any, claimed; whether any part, and if so, what part, of said goods, wares, and merchandise has been consumed or used by the owner, owners, or agent, or used for the production of another manufacture or product, together with the market value of the same at the time of such use or consumption; whether such goods, wares, and merchandise were shipped for a foreign port, or consigned to auction or commissioned merchants, other than agents, for sale; and shall make a return, according to the value at the place of shipment, when shipped for a foreign port, or according to the value at the place of manufacture or production, when removed for use or consumption, or consigned to others than agents of the manufacturer or producer. The value and quantity of the goods, wares, and merchandise required to be stated as aforesaid, shall be estimated by the actual sales made by the manufacturer, or by his, her, or their agent, or person or persons acting in his, her, or their behalf. And where such goods, wares, and merchandise have been removed for consumption or for delivery to others, or placed on shipboard, or are no longer within the custody or control of the manufacturer or his agent, not being in his factory, store, or warehouse, the value shall be estimated at the average of the market value of the like goods, wares, and merchandise, at

the time when the same became liable to duty. And when goods, wares, and merchandise are sold by the manufacturer or producer, or the agent thereof having the charge of the business, the following deductions only may be allowed, viz.: — Deductions.

First. Freight from the place of deposit at the time of sale to the place of delivery. Freight. *Post*, p. 474.

Second. *That* [The] reasonable commission, not exceeding three per centum, and other expenses of sale bona fide paid; and no commission shall be deducted when the sale is made at the place of manufacture or production: *Provided*, That no deduction shall be made on the market value at the place of manufacture or production, on goods, wares, and merchandise consigned to auction or commission merchants for sale, or placed on shipboard to be removed from the United States, or when consigned to other than agents having charge of the business of such manufacturer or producer, nor when used or consumed by the manufacturer, producer, or agent thereof. Commissions.

SEC. 87. *And be it further enacted*, That any person, firm, company, or corporation who shall now be engaged in the manufacture of tobacco, snuff, or cigars, or who shall hereafter commence or engage in such manufacture, before commencing, or, if already commenced, before continuing, such manufacture for which they may be liable to be assessed under the provisions of law, shall, in addition to a compliance with all other provisions of law, furnish to the assessor or assistant assessor a statement, subscribed under oath or affirmation, accurately setting for[th] the place, and if in a city, the street and number of the street, where the manufacturing is, or is to be, carried on, the name and description of the manufactured article, the proposed market for the same, whether foreign or domestic, and if the same shall be manufactured for, or to be sold and delivered to, any other person or party, the name and residence and business or occupation of the person or party for whom the said article is to be manufactured or delivered, and generally the kind and quality manufactured or proposed to be manufactured; and shall, within the time above mentioned, apply to, and obtain from, the assessor or assistant assessor of the district in which said manufacture is carried on, or proposed to be carried on, in addition to the license required by existing laws, a permit in writing, to be signed by said assessor or assistant assessor, in such form as shall be prescribed by the commissioner of internal revenue, which permit shall be kept by such manufacturer suspended in some open and conspicuous place in the principal room in which such manufacturing is so carried on. And such manufacturer shall also give notice to the assessor [or] assistant assessor, in writing, of any and every change or removal made, accurately setting forth, as hereinbefore mentioned, the place where the said manufacture is to be carried on; and whenever such change or removal takes place, before it shall be lawful to commence such manufacture, a new permit in writing shall be applied for and obtained in manner aforesaid. And the assistant assessor of the proper assessment district shall be entitled to demand and receive from such manufacturer for each pe[r]mit so granted the sum of twenty-five cents. And if any person or agent of any firm, company, or corporation shall manufacture for sale tobacco, snuff, or cigars of any description without first obtaining the permit herein required, such person or agent shall be subject, upon conviction thereof, to a penalty of three hundred dollars, and in addition thereto shall be liable to imprisonment for a term not exceeding one year, at the discretion of the court. Manufactories of tobacco, snuff, and cigars. Statement. *Post*, p. 474. Permit in addition to license. Removal. Fee for permit. Penalty for working without permit.

SEC. 88. *And be it further enacted*, That it shall be the duty of the assistant assessor of each district to keep a record in a book or books, to be provided for the purpose, to be open to the inspection of any person upon reasonable request, in which shall be arranged alphabetically the name of any and every person, firm, company, or corporation who may Assessor to keep alphabetical record.

be engaged in the manufacture of tobacco, snuff, or cigars within his district, to whom a permit has been issued, together with the place where such manufacture is carried on and place of residence of the person or persons engaged therein; a copy of which record shall be, by said assistant assessor, forwarded to the assessor of the district, who shall preserve the same in his office.

Duty on manufactured tobacco, &c., how paid when manufactured on shares, &c.

SEC. 89. *And be it further enacted*, That in all cases where tobacco, snuff, or cigars, of any description, are manufactured, in whole or in part upon commission or shares, or where the material from which any such articles are made, or are to be made, is furnished by one party and manufactured by another, or where the material is furnished or sold by one party with an understanding or contract with another that the manufactured article is to be received in payment therefor, or any part thereof, the duty or tax imposed by law thereon, when paid by the manufacturer, may be collected at the time, or at any time subsequently, of the party for whom the same was made, or to whom the same was delivered, as aforesaid. And in case of any fraud or collusion by which the government shall be defrauded, or attempted to be defrauded, by a party who furnishes the material and the manufacturer of any of the articles aforesaid, such material shall be liable to forfeiture, and such articles shall be liable to be assessed the highest rates of duty imposed by law upon any article belonging to its grade or class.

Fraud.

Statements of different kinds of tobacco, &c.

[Amended, *Post*, p. 474.]

SEC. 90. *And be it further enacted*, That any person, firm, company, or corporation, now or hereafter engaged in the manufacture of tobacco, snuff, or cigars, of any description whatsoever, shall be, and hereby is, required to make out and deliver to the assistant assessor of the assessment district a true statement or inventory of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, cigars, tin-foil, licorice, and stems held or owned by him or them on the day this act takes effect, or at the time of commencing business under this act, setting forth what portion of said goods was manufactured or produced by him or them, and what was purchased from others, whether chewing, smoking, fine-cut, shorts, pressed, plug, snuff-flour, or prepared snuff, the several kinds of cigars and the market price thereof, which statement or inventory shall be verified by the oath or affirmation of such person or persons, and be in manner and form as prescribed by the commissioner of internal revenue; and the said person, firm, company, or corporation engaged as aforesaid, on the first day of January in every year hereafter, shall make out and deliver to the said assistant assessor a true statement or *or* inventory, in manner and form as aforesaid, and verified as aforesaid, of all such articles, aforesaid, then held or owned by him or them, setting forth all and singular what is required to be set forth in the statement or inventory first aforesaid; and every such person, company, or corporation shall keep in a book, in such manner and form as said commissioner may prescribe, an accurate account of all the articles aforesaid thereafter purchased by him or them, the quantity of tobacco, snuff, snuff-flour, or cigars, of whatever description sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and he or they shall, on Wednesday of each week, furnish to the assistant assessor of the district a true and accurate copy of the entries in said book during the week ending on the preceding Saturday, which copy shall be verified by oath or affirmation, on the receipt whereof an assessment of the duties due by said person, company, or corporation shall be immediately made and transmitted to the collector of the district, to whom said duties shall be paid within five days thereafter; and in case the duties shall not be paid within the said five days, the said collector may, on one day's notice, distrain for the same, with ten per centum additional on the amount thereof, subject to all the provisions of law relating to licenses, returns, assessments, payment of taxes, liens, fines, penalties, and forfeitures, not inconsistent herewith in

Annual statement.

Books.

Copies of entries to be given assessors weekly.

the case of other manufacturers; and such duty shall be paid by the manufacturer, or the person for whom the goods are manufactured, as the assessor may deem best for the collection of the revenue: *Provided*, That it shall be the duty of any manufacturer or vender of tin-foil used in covering manufactured tobacco, on demand of any officer of internal revenue, to render to such officer a correct statement, verified by oath or affirmation, of the quantity and amount of tin-foil sold or delivered to any person or persons named in such demand; and in case of refusal or neglect to render such statement, or of cause to believe such statement to be incorrect or fraudulent, the assessor of the district may cause an examination of persons, books, and papers to be made in the same manner as provided in the fourteenth section of this act: *Provided*, That manufactured tobacco, snuff, or cigars may be transferred, without payment of the duty, directly from the place of manufacture to a bonded warehouse established in conformity with law and treasury regulations, under such rules and regulations, and upon the execution of such transportation bonds, as the Secretary of the Treasury may prescribe; said bonds or other security to be taken by the assessor of the district from which such removal is made, and may be transported from such warehouse to a bonded warehouse used for the storage of merchandise at any port of entry and withdrawn therefrom for consumption *or* [on] payment of the duty, or removed for export to a foreign country without payment of duty, in conformity with the provisions of this act relating to the removal of distilled spirits; all the rules, regulations, and conditions of which, so far as applicable, shall apply to tobacco, snuff, or cigars, in bonded warehouse. And no drawback shall in any case be allowed upon any manufactured tobacco, snuff, or cigars, upon which any excise duty has been paid either before or after it has been placed in bonded warehouse.

Tin-foil manufacturers or venders.

Proviso.

SEC. 91. *And be it further enacted*, That every manufacturer of tobacco, snuff, or cigars of any description, as hereinbefore mentioned, or his chief workman, agent, or superintendent, shall, at the end of each and every month, make and sign a declaration, in writing, that no such article or commodity, as aforesaid, has, during such preceding month or time when the last declaration was made, been removed, carried, or sent, or caused, or suffered, or known to have been removed, carried, or sent from the premises of such manufacturer other than such as have been duly assessed and the duties imposed by law paid thereon, on pain of forfeiting for every refusal or neglect to make such declaration, one hundred dollars. And if any such manufacturer, or his chief workman, agent, or superintendent, shall make any false or untrue declaration, such manufacturer or chief workman, agent, or superintendent, making the same, upon conviction thereof, shall forfeit three hundred dollars, or, at the discretion of the court, be liable to imprisonment for a term not exceeding one year.

Monthly declarations.

[Amended, *Post*, p. 475.]

SEC. 92. *And be it further enacted*, That if any person other than the manufacturer shall sell, or consign, or remove for sale, or part with the possession of any manufactured tobacco, snuff, or cigars, upon which the duties imposed by law have not been paid, with the knowledge thereof, such person shall be liable to a penalty of one hundred dollars for each and every offence. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars, which has not been inspected, branded, or stamped, as required by this act, or upon which the tax has not been paid, if it has accrued or become payable with knowledge thereof, shall be liable to a penalty of fifty dollars for each and every offence. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars, from any manufacturer who has not a permit to manufacture, shall be liable for each and every offence to a penalty of one hundred dollars, and, in addition thereto, a forfeiture of all the articles, as aforesaid, so purchased or received, or the full value thereof.

Penalty for sale of tobacco, &c., on which duties are not paid, &c.

Post, p. 475.

SEC. 93. *And be it further enacted*, That all goods, wares, and mer-

What manufactures exempt from duty.

chandise, or articles manufactured or made (except refined petroleum, refined coal-oil, gold and silver, spirituous and malt liquors, manufactured tobacco, and snuff and cigars) by any person or firm, where the product shall not exceed the rate of six hundred dollars per annum, and shall be made or produced by the labor of such person or firm, or by his or their family, shall be, and are hereby, exempt from duty; where the product shall exceed such rate and not exceed the rate of one thousand dollars, the duty shall be levied, assessed, and collected only upon the excess above the rate of six hundred dollars per annum; and in all other cases the whole annual product, (including any business or transaction where one party has been furnished with materials, or any part thereof, and employed by another party to manufacture, make, or finish the goods, wares, and merchandise, or articles, paying or promising to pay therefor, and to whom the same are returned when so made and finished,) shall be assessed, and the duty paid thereon by the producer or manufacturer: *Provided*, That whenever a producer or manufacturer shall use or consume, or shall remove for consumption or use, any articles, goods, wares, or merchandise, which if removed for sale would be liable to taxation, he shall be assessed upon the salable value of the articles, goods, wares, or merchandise so used or so removed for consumption or use.

Duties on, &c.
Post, p. 483.

SEC. 94. *And be it further enacted*, That upon the articles, goods, wares, and merchandise hereinafter mentioned, except where otherwise provided, which shall be produced and sold, or be manufactured or made and sold, or be consumed or used by the manufacturer or producer thereof, or removed for consumption, or for delivery to others than agents of the manufacturer or producer within the United States or territories thereof, there shall be levied, collected, and paid the following duties, to be paid by the producer or manufacturer thereof, that is to say: —

Candles.

On candles, of whatever material made, a duty of five per cent. ad valorem.

Mineral coals.
Post, p. 475.
Proviso.

On mineral coals, except such as are known in the trade as pea coal and dust coal, a duty of five cents per ton: *Provided*, That in case of contracts of lease of coal lands made prior to the passage of this act the lessee shall pay the tax, if not otherwise agreed; and all duties or taxes on coal mined and delivered by coal operators on contracts heretofore made shall be paid by the purchasers thereof, if not otherwise agreed by the parties.

Oils, animal or vegetable.

On lard oil, mustard-seed oil, linseed oil, and on all animal or vegetable oils, not exempted or provided for elsewhere, whether pure or adulterated, a duty of five cents per gallon.

Illuminating gas.

On gas, illuminating, made of coal, wholly or in part, or any other material, when the product shall not be above two hundred thousand cubic feet per month, a duty of ten cents per one thousand cubic feet; when the product shall be above two and not exceeding five hundred thousand cubic feet per month, a duty of fifteen cents per one thousand cubic feet; when the product shall be above five hundred thousand and not exceeding five millions of cubic feet per month, a duty of twenty cents per one thousand cubic feet; when the product shall be above five millions, a duty of twenty-five cents per one thousand cubic feet. And the general average of the monthly product for the year preceding the return required by this act shall regulate the rate of duty herein imposed. And where any gas-works have not been in operation for the next year preceding the return as aforesaid, then the rate shall be regulated upon the estimated average of the monthly product: *Provided*, That the product required to be returned by law by any gas company shall be understood to be the product charged in the bills actually rendered by the gas company during the month preceding the return; and all gas companies are hereby authorized to add the duty or tax imposed by law to the price per thousand cubic feet on gas sold: *Provided, further*, That all gas furnished for light-

Provisos.
Post, p. 475.

ing street lamps, and not measured, and all gas made for and used by any hotel, inn, tavern, and private dwelling-house, shall be subject to duty, whatever the amount of product, and may be estimated; and if the returns in any case shall be understated or under-estimated, it shall be the duty of the assistant assessor of the district to increase the same as he shall deem just and proper: *And provided, further*, That gas companies located within the corporate limits of any city or town, whether in the district or otherwise, or so located as to compete with each other, shall pay the rate imposed by law upon the company having the largest production: *And provided, further*, That coal-tar produced in the manufacture of illuminating gas, and the products of the redistillation of coal-tar thus produced, shall be exempt from duty.

Illuminating gas.

Provisos.

Post, p. 475.

On coal illuminating oil, refined, and naphtha, benzine, and benzole, produced by the distillation of coal, asphaltum, shale, peat, petroleum, or rock-oil, and all other bituminous substances used for like purposes, a duty of twenty cents per gallon: *Provided*, That such oil, refined and produced by the distillation of coal, asphaltum, or shale, exclusively, shall be subject to pay a duty of fifteen cents per gallon, anything to the contrary notwithstanding: *And provided, further*, That distillers of coal-oil, or naphtha, benzine, or benzole, shall be subject to all the provisions of law applicable to distillers of spirits, with regard to licenses, bonds, returns, assessments, liens, penalties, drawbacks, and all other provisions designed for the purpose of ascertaining the quantity distilled, and securing the payment of duties, so far as the same may, in the judgment of the commissioner of internal revenue, and under regulations prescribed by him, be deemed necessary for that purpose: *And provided, also*, That naphtha of specific gravity exceeding eighty degrees, according to Baume's hydrometer, and of the kind usually known as gasoline, shall be subject to a tax of five per centum ad valorem.

Illuminating oil, &c.

Post, p. 476.

Provisos.

Post, p. 484.

Post, p. 476.

Post, p. 476.

On spirits of turpentine, a duty of twenty cents per gallon: *Provided*, That all the provisions of law relating to the assessment and collection of the duties on cotton, under rules and regulations to be prescribed by the Secretary of the Treasury, so far as the same may be deemed applicable thereto, shall apply to the assessment and collection of duties on spirits of turpentine.

Spirits of turpentine.

On ground coffee, and on all ground substitutes for coffee, or preparations of which coffee forms a part, and on all unground substitutes for coffee, a duty of one cent per pound.

Ground coffee.

On ground pepper, ground mustard, ground pimento, ground cloves, and ground clove stems, ground cassia, and ground ginger, and all imitations of the same, a duty of one cent per pound.

Ground pepper.

On molasses produced from the sugar-cane, and not from sorghum or imphee, a duty of five cents per gallon.

Molasses.

On sirup of molasses or sugar-cane juice, when removed from the plantation, concentrated molasses or melado, and cistern bottoms, of sugar produced from the sugar-cane and not made from sorghum or imphee, a duty of one cent and one fourth of one cent per pound.

Sirups.

On brown or Muscovado sugar not above number twelve Dutch standard in color, produced from the sugar-cane and not from sorghum or imphee, other than those produced by the refiner, a duty of two cents per pound.

Brown, &c., sugar.

Post, p. 476.

On all clarified or refined sugars above number twelve and not above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a duty of two and one-half cents per pound.

Refined sugars.

Post, p. 476.

On all clarified or refined sugars above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a duty of three and one half cents per pound.

Post, p. 476.

On the gross amount of the sales of sugar refiners, including all the

Sales of sugar refiners.

Sales of sugar refiners.

products of their manufactories or refineries, a duty of two and a half of one per centum ad valorem: *Provided*, That every person shall be regarded as a sugar refiner, and pay the duties levied by law, whose business it is to advance the quality and value of sugar upon which a duty has been assessed and paid, by melting and recrystalization, or by liquoring, claying, or other washing process, or by any other chemical or mechanical means, or who shall advance the quality or value of molasses, concentrated molasses or melado, upon which a duty has been assessed and paid, by boiling or other process.

Sugar-candy.

On sugar-candy and all confectionery made wholly or in part of sugar, valued at not exceeding twenty cents per pound, a duty of two cents per pound; exceeding twenty and not exceeding forty cents per pound, a duty of four cents per pound; when exceeding forty cents per pound, or sold by the box, package, or otherwise than by the pound, a duty of ten per centum ad valorem.

Chocolate, &c.

On chocolate and cocoa prepared, a duty of one and a half cent per pound.

Saleratus.

On saleratus and bicarbonate of soda, a duty of five mills per pound.

Starch.

On starch made of potatoes, a duty of two mills per pound; made of corn or wheat, a duty of three mills per pound; made of rice or any other material, a duty of one cent per pound.

Gunpowder.

On gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty-eight cents per pound or less, a duty of one cent per pound; when valued at above twenty-eight cents per pound and not exceeding thirty-eight cents per pound, a duty of one and a half cent per pound; and when valued above thirty-eight cents per pound, a duty of eight cents per pound.

Post, p. 476.

White lead.

On white lead, a duty of thirty-five cents per one hundred pounds.

Oxide of zinc.

On oxide of zinc, a duty of thirty-five cents per one hundred pounds.

Sulphate of barytes.

On sulphate of barytes, a duty of twelve cents per one hundred pounds: *Provided*, That white lead, oxide of zinc, and sulphate of barytes, paints and painters' colors, or any one of them, shall not be subject to any additional duty in consequence of being mixed or ground with linseed oil, when the duties upon all the materials so mixed or ground shall have been previously paid.

Paints, &c.

On all paints and painters' colors, dry or ground in oil, or in paste with water, not otherwise provided for, a duty of five per centum ad valorem.

Varnish, &c.

On varnish or japan, made wholly or in part of gum copal, or other gums or substances, a duty of five per centum ad valorem.

Glue, &c.

On glue and gelatine of all descriptions, in the solid state, a duty of one cent per pound.

On glue and cement, made wholly or in part of glue, to be sold in the liquid state, a duty of forty cents per gallon.

Pins.

On pins, solid head or other, a duty of five per centum ad valorem.

Screws.

On screws, commonly called wood-screws, a duty of ten per centum ad valorem.

Clocks.

On clocks and timepieces, and on clock movements, when sold without being cased, a duty of five per centum ad valorem.

Umbrellas, &c.

On umbrellas and parasols made of cotton or silk, or other material, a duty of five per centum ad valorem.

Gold leaf, &c.

On gold leaf, eighteen cents per pack, containing not more than twenty books of twenty-five leaves each.

On gold foil, two dollars per ounce troy weight.

Paper.

On paper of all descriptions, including pasteboard, binders' board, and tarred paper for roofing or other purposes, a duty of three per centum ad valorem.

Soap, &c.

On soap, castile, palm-oil, erasive, and soap of all other descriptions, white or colored, except soft soap and soap otherwise provided for, valued at not above five cents per pound, a duty of two mills per pound; valued at above five cents per pound, a duty of one cent per pound.

Soap. On soap, fancy, scented, honey, cream, transparent, and all descriptions of toilet and shaving soap, a duty of five cents per pound.

On soft soap, a duty of five per centum ad valorem.

Uncompounded chemicals. On all uncompounded chemical productions, not otherwise provided for, a duty of five per centum ad valorem.

Essential oils. On essential oils, of all descriptions, a duty of five per centum ad valorem.

Pickles. On pickles, preserved fruits, preserved vegetables, preserved meats, fish, and shellfish in cans, kegs, or air-tight packages, a duty of five per centum ad valorem.

Bill-heads. On bill-heads, printed, printed cards, and printed circulars, a duty of five per centum ad valorem.

Post, p. 476.

Books, &c. On all printed books, magazines, pamphlets, reviews, and all other similar printed publications, except newspapers, a duty of five per centum ad valorem.

Post, p. 476.

On productions of stereotypers, lithographers, and engravers, a duty of five per centum ad valorem.

Photographs. On photographs, or any other sun picture, being copies of engravings or works of art, or used for the illustration of books, and on photographs so small in size that stamps cannot be affixed, a duty of five per centum ad valorem.

Post, p. 476.

Repairs of engines, &c. On all repairs of engines, cars, carriages, or other articles, when such repairs increase the value of the articles so repaired ten per centum or over, a duty of three per centum on such increased value: *Provided*, That on such repairs made upon ships, steamboats, or other vessels, a duty of two per centum only on the increased value shall be assessed.

Hulls of vessels. On the hulls, as launched, of all ships, barks, brigs, schooners, sloops, sail-boats, steamboats, canal-boats, and all other vessels or water craft, (not including engines or rigging,) hereafter built, made, constructed, or finished, a duty of two per centum ad valorem.

Post, p. 476.

Slate, &c. On slate, freestone, sandstone, marble, and building-stone of any other description, when dressed, hewn, or finished, a duty of three per centum ad valorem: *Provided*, That the cost for the erection, fitting, adjusting, or setting building-stone of any description, shall not be included in the assessment of any duties thereon.

Marble. On marble, and other monumental stones, with or without inscriptions, five per centum ad valorem.

Cement. On lime and Roman or water cement, a duty of three per centum ad valorem.

Brick, &c. On brick, draining tiles, and earthern and stone water-pipes, a duty of three per centum ad valorem.

Masts, spars, &c. On masts, spars, and ship or vessel blocks, whether made to order or for sale, a duty of two per centum ad valorem.

Furniture. On all furniture, or other articles made of wood, sold in the rough or unfinished, a duty of five per centum ad valorem: *Provided*, That all furniture, or other articles made of wood, previously assessed, and a duty paid thereon, shall be assessed a duty of five per centum ad valorem upon the increased value only thereof when sold in a finished condition.

Salt. On salt, a duty of six cents per one hundred pounds.

Sails, &c. On sails, tents, shades, awnings, and bags, made of cotton, flax, or hemp, or part of either or other material, five per centum ad valorem: *Provided*, That when the material from which any of the foregoing articles are made was imported, or has been subject to and paid a duty, and the same is made by sewing, a duty shall be assessed only on the increased value thereof.

Post, p. 476.

Mineral waters, &c. On artificial mineral waters, soda waters, sarsaparilla water, and all beverages used for like purposes, sold in bottles, or from fountains, or otherwise, and not otherwise provided for, a duty of five per centum ad valorem.

On mineral or medicinal waters, or waters from springs impregnated

with minerals, a duty of one half cent for each bottle containing not more than one pint; when containing more than one pint and not more than one quart, one cent; when containing more than one quart, for each additional quart or fractional part thereof, one cent.

Pig iron. On pig iron, a duty of two dollars per ton.

Blooms, &c. On blooms, slabs, or loops, when made in forges or bloomeries, directly from the ore, a duty of three dollars per ton.

Railroad iron. On railroad iron, a duty of three dollars per ton.

On railroad iron, rerolled, a duty of two dollars per ton: *Provided*, That the term rerolled shall apply only to rails for which the manufacturer receives pay for remanufacturing, and not for new iron.

On all iron advanced beyond blooms, slabs, or loops, and not advanced beyond bars, and band, hoop, and sheet iron, not thinner than number eighteen wire gauge, and plate iron not less than one eighth of an inch in thickness, a duty of three dollars per ton: *Provided*, That a ton shall, for all the purposes of this act, be deemed and taken to be two thousand pounds.

Ton to be two thousand pounds.

Band, hoop, and sheet iron. On band, hoop, and sheet iron, thinner than number eighteen wire gauge, plate iron less than one eighth of an inch in thickness, and cut nails and spikes, not including nails, tacks, brads, or finishing nails, usually put up and sold in papers, whether in papers or otherwise, nor horseshoe nails wrought by machinery, a duty of five dollars per ton: *Provided*, That bars, rods, axe-polls, bands, hoops, sheets, plates, nails, and spikes, not including such as are usually put up in papers, nor horseshoe nails wrought by machinery, as before mentioned, manufactured from iron, upon which the duty of three dollars has been levied and paid, shall be subject only to a duty of two dollars per ton in addition thereto, anything in this act to the contrary notwithstanding.

Iron castings. On iron castings used for bridges or other permanent structures, a duty of three dollars per ton.

Stoves and hollow-ware. On stoves and hollow-ware and castings of iron exceeding ten pounds in weight for each casting, not otherwise provided for, a duty of three dollars per ton.

[Railroad chairs, &c., *post*, p. 476.]

Rivets. On rivets exceeding one fourth of an inch in diameter, nuts and washers not less than two ounces each in weight, and bolts exceeding five sixteenths of one inch in diameter, a duty of five dollars per ton: *Provided*, That when *a duty upon* the iron from which rivets, nuts, washers, and bolts, as aforesaid, shall have been made, has paid a duty of not less than three dollars per ton, a duty only, in addition thereto, shall be paid of two dollars per ton: *Provided, further*, That castings of iron, and iron of all descriptions advanced beyond pig iron, blooms, slabs, or loops, upon which no duty has been assessed or paid in the form of pig iron, blooms, slabs, or loops, shall be assessed and pay, in addition to the foregoing rates of iron so advanced, a duty of three dollars per ton.

Steel. On steel, in ingots, bars, sheets, or wire, not less than one fourth of an inch in thickness, valued at seven cents per pound or less, a duty of five dollars per ton; valued at above seven cents per pound, and not above eleven cents per pound, a duty of ten dollars per ton; valued at above eleven cents, a duty of twelve dollars and fifty cents per ton: *Provided*, That steel rolled, and sheet, rod, or wire made of steel upon which a duty has been assessed and paid, shall be assessed and pay a duty of five per centum ad valorem upon the increased value only thereof.

Steam-engines. On steam-engines, including locomotive and marine engines, a duty of three per centum ad valorem.

Post, p. 476.

Quicksilver. On quicksilver produced from the ore, a duty of two per centum ad valorem.

Post, p. 476.

Copper, &c. On copper and lead ingots, pigs or bars, and spelter and brass, a duty of three per centum ad valorem.

Post, p. 477.

On rolled brass, copper rolled, yellow sheathing-metal, in rods or sheets,

and shot, sheet lead, and lead pipes, a duty of three per centum ad valorem: *Provided*, That when any of the articles herein mentioned shall not have been assessed and a duty paid thereon of three per centum, in the form of ingots, pigs, or bars, a duty of five per centum shall be assessed and paid thereon. Shot, sheet lead, &c.

On goat, calf, kid, sheep, horse, hog, and dog skins, tanned or dressed in the rough, a duty of five per centum ad valorem. Goat, &c., skins.

On goat, calf, kid, sheep, horse, hog, and dog skins, curried or finished, a duty of five per centum ad valorem: *Provided*, That all goat, calf, kid, sheep, horse, hog, and dog skins, previously assessed in the rough, and upon which duties have been actually paid, shall be assessed on the increased value only when curried or finished.

On patent, enamelled, and japanned leather and skins of every description, a duty of five per centum ad valorem. *Post*, p. 477.

On oil-dressed leather and deer skins, dressed or smoked, a duty of five per centum ad valorem: *Provided*, That when leather or skins, upon which a duty has been previously assessed and paid, shall be manufactured into gloves, mittens or moccasins, the duty shall only be assessed upon the increased value thereof when so manufactured.

On leather of all descriptions, tanned or partially tanned, in the rough, a duty of five per centum ad valorem. Leather.

On leather of all descriptions, curried or finished, a duty of five per centum ad valorem: *Provided*, That all leather previously assessed in the rough and upon which duties have been actually paid shall be assessed on the increased value only when curried or finished.

On wine made of grapes, a duty of five cents per gallon. Wine.

On all other wines or liquors known or denominated as wine, not made from currants, rhubarb, or berries, produced by being rectified or mixed with other spirits, or into which any matter whatever may be infused to be sold as wine, or by any other name, and not otherwise provided for in this act, a duty of fifty cents per gallon: *Provided*, that the returns, assessment, and collections of the duties on such wines shall be subject to the regulations of the commissioner of internal revenue. And any person who shall willingly and knowingly sell, or offer for sale, any such wine made after the passage of this act, upon which the duty herein imposed has not been paid, or which has been fraudulently evaded, shall, upon conviction thereof, be subject to a penalty of one hundred dollars, or to imprisonment not exceeding two years, at the discretion of the court. *Post*, p. 477. Penalty.

On furs of all descriptions, when made up or manufactured, a duty of five per centum ad valorem: *Provided*, That all manufactured furs, on which a duty has been previously assessed and paid before manufacture, it shall be assessed only on the increased value thereof when so manufactured. Furs.

On cloth and all textile or knitted or felted fabrics of cotton, wool, or other materials, before the same has been dyed, printed, or bleached, and on all cloth painted, enamelled, shirred, tarred, varnished, or oiled, a duty of five per centum ad valorem: *Provided*, That thread and yarn, and warps for weaving shall be regarded as manufactures, and be subject to a duty of five per centum ad valorem. Cloth, &c. *Post*, p. 477.

On ready-made clothing, boots and shoes, gloves, mittens, and moccasins, caps, hats, and bonnets, or other articles of dress for the wear of men, women, or children, five per centum ad valorem: *Provided*, That any tailor, boot or shoe maker, hat, cap, or bonnet maker, milliner or dressmaker, exclusively engaged in manufacturing any of the foregoing articles to order as custom work, and not for sale generally, who shall make affidavit to the assessor or assistant assessor, that the entire amount of such manufactures so made does not exceed the sum of six hundred dollars per annum, shall be exempt from duty; when exceeding six hun- Clothing. *Post*, p. 477. *Post*, p. 477.

dred dollars per annum, a duty of three per centum ad valorem on the excess above six hundred dollars.

Cotton.

On cotton upon which no duty has been levied, collected, or paid, and which is not exempted by law, a duty of two cents per pound, which shall be and remain a lien thereon, until said duty shall have been paid, in the possession of any person or persons whomsoever.

Manufactures, &c., of cotton.

On all manufactures of cotton, wool, silk, worsted, flax, hemp, jute, India-rubber, gutta-percha, wood, willow, glass, pottery-ware, leather, paper, iron, steel, lead, tin, copper, zinc, brass, gold, silver, horn, ivory, bone, bristles, wholly or in part, or of other materials not in this act otherwise provided for, a duty of five per centum ad valorem: *Provided*, That on all cloths dyed, printed, or bleached, on which a duty or tax shall have been paid before the same were so dyed, printed, or bleached, the said duty or tax of five per centum shall be assessed only upon the increased value thereof: *And provided, further*, That any cloth or fabrics, as aforesaid, when made of thread, yarn, or warps, upon which a duty, as aforesaid, shall have been assessed and paid, shall be assessed and pay a duty on the increased value only thereof.

Post, p. 477.

Diamonds.

On all diamonds, emeralds, precious stones, and imitations thereof, and all other jewelry, a duty of ten per centum ad valorem: *Provided*, That when diamonds, emeralds, precious stones, or imitations thereof, imported from foreign countries, or upon which import duties have been paid, shall be set or reset in gold, or any other material, the duty shall be assessed and paid upon the value only of the settings.

Post, p. 477.

Cavendish, &c., tobacco.

On cavendish, plug, twist, and all other kinds of manufactured tobacco, not herein provided for, from which the stem has been taken out in whole or in part, or which is sweetened, thirty-five cents per pound.

[Amended, *Post*, pp. 477, 478.]

On smoking tobacco manufactured with all the stem in, the leaf not having been butted or stripped from the stem, and on refuse tobacco known as fine-cut shorts, twenty-five cents per pound.

On smoking-tobacco made exclusively of stems, and not mixed with leaf or leaf and stems, fifteen cents per pound.

Snuff.

On snuff, manufactured of tobacco, or any substitute for tobacco, ground dry or damp, pickled, scented, or otherwise, of all descriptions, thirty-five cents per pound.

Post, p. 477.

Chewing-tobacco.

On fine-cut chewing-tobacco, whether manufactured with the stems in or not, or however sold, whether loose, in bulk, or in packages, papers, wrappers, or boxes, thirty-five cents per pound.

Post, p. 477.

Cigarettes.

On cigarettes made of tobacco, enclosed in a paper wrapper, valued at not over five dollars per hundred packages, each containing not more than twenty-five cigarettes, one dollar per hundred packages. And all cigarettes made of tobacco enclosed in a paper wrapper, valued at over five dollars per hundred packages, as aforesaid, shall be subject to the same duties herein provided for cigars of like value.

Post, p. 477.

On cigarettes made wholly of tobacco, and also on cigars known as cheroots, or short sixes, valued in each case at not over five dollars per thousand, three dollars per thousand.

Cigars.

On cigars, valued at over five dollars and not over fifteen dollars per thousand, eight dollars per thousand.

Post, p. 477.

On cigars, valued at over fifteen dollars and not over thirty dollars per thousand, fifteen dollars per thousand.

On cigars, valued at over thirty dollars per thousand and not over forty-five dollars, twenty-five dollars per thousand.

On cigars, at over forty-five dollars per thousand, forty dollars per thousand, and the valuation of cigars herein mentioned shall in all cases be the value of the cigars exclusive of the tax.

Cigars, how to be packed and stamped.

And all cigars manufactured after the passage of this act shall be packed in bundles, boxes, or packages open to inspection, and correctly labelled with the number and kind contained therein, and after inspection

Post, p. 478.

unless the same shall be removed to a bonded warehouse for exportation, shall be stamped by the inspector with stamps to be provided by the commissioner of internal revenue, denoting the tax thereon, and so affixed that the bundle or box cannot be opened without effacing or destroying said stamp. And any bundle, box, or package of cigars which shall be sold, or pass out of the hands of the manufacturer, except into a bonded warehouse, without such stamps so affixed by an inspector, shall be forfeited, and may be seized wherever found, and sold, one half of the proceeds of such sale to be paid to the informer and the other to the United States. And every person, before making any cigars after the passage of this act, shall apply for and procure from the assistant assessor of the district in which he or she resides, a permit authorizing such person to carry on the trade of cigar-making, for which permit he or she shall pay said assistant assessor the sum of twenty-five cents. And every person employed, or working at the business of cigar-making in any other district than that in which he or she is a resident, shall, before making any cigars in such other district, present said permit to the assistant assessor of the district where so employed or working, and procure the indorsement of said assistant assessor thereon, authorizing said business in said district, for which indorsement the assistant assessor shall be entitled to receive from the applicant the sum of ten cents. And it shall be the duty of every assistant assessor, upon application of any person residing in his district, to furnish a permit, or to indorse upon the permit of the applicant, if resident in another district, authority to pursue the trade of cigar-making within the proper district of such assistant assessor; and said assistant assessor shall keep a record of all permits granted, or indorsed by him, showing the date of each permit, the name, residence, and place of employment of the party named therein, the name and district of the officer who originally granted the same, or who may have made any subsequent indorsements thereon, and the name or names of the party or parties by whom the person named in such permit is employed, or, if working for himself or herself, stating such fact; and every person making cigars shall keep an accurate account of all the cigars made by him or her, for whom, and their kind or quality; and, if made for any other person, shall state in said account the name of the person or persons for whom the same were made, and his or their place of business, and shall, on the first Monday of every month, deliver to the assistant assessor of the district, if required by him, a copy of such account, verified by oath or affirmation that the same is true and correct. And if any person shall make any cigars without procuring such permit, or the proper indorsement thereon, he or she shall be punished by a fine of five dollars for each day he or she shall so offend, or by imprisonment for such time as the court may order for each day's offence, not exceeding thirty days in the whole upon any one conviction. And if any person making cigars shall fail to make the return herein required, or shall make a false return, he or she shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days. And if any person, firm, company, or corporation shall employ or procure any person to make any cigars, who has not the permit or the indorsement thereon required by this act, he, she, or they shall be punished by a fine of ten dollars for each day he, she, or they shall so employ such person, or by imprisonment not exceeding ten days. And if any person shall be found making cigars without such permit, or the indorsement thereon, the collector of the district may seize any cigars, or tobacco for making cigars, which may be found in possession of such person, and the same shall be forfeited to the United States and sold; and one half of the proceeds paid to the United States, one fourth to the informer, and the other fourth to the collector making the seizure.

Cigars sold without stamps to be forfeited.

Makers to obtain permit.

Post, p. 478.

Monthly account.

Penalty for making without permit, &c.

On bullion in lump, ingot, bar, or otherwise, a duty of one half of one

Bullion.

per centum ad valorem, to be paid by the assayer of the same, who shall stamp the product of the assay as the commissioner of internal revenue, under the direction of the Secretary of the Treasury, may prescribe by general regulations. And every and all sales, transfers, exchanges, transportation, and exportation of gold or silver assayed at any mint of the United States, or by any private assayer, unless stamped as prescribed by general regulations, as aforesaid, is hereby declared unlawful; and every person or corporation who shall sell, transfer, transport, exchange, export, or deal in the same, shall be subject to a penalty of one thousand dollars for each offence, and to a fine not exceeding that sum, and to imprisonment for a term not exceeding two years nor less than six months. No jeweler, worker, or artificer in gold and silver, shall use either of those metals except it shall have first been stamped as aforesaid, as required by this act; and every violation of this section shall subject the offender to the penalties contained herein. No person or corporation shall take, transport, or cause to be transported, export, or cause to be exported from the United States any gold or silver in its natural state, uncoined or unassayed, and unstamped, as aforesaid; and for every violation of this provision every offender shall be subject to the penalties contained herein: *Provided*, That the foregoing subdivision of this section providing for a tax on gold and silver shall only be in force from and after sixty days after the passage of this act.

Sales, &c., of gold, &c., not stamped, to be unlawful.

When this part of act takes effect.

Duty on articles increased in value by polishing, &c.

SEC. 95. *And be it further enacted*, That whenever any manufactured articles, goods, wares, or merchandise on which an excise or impost duty has been paid, and which are not specially provided for, are increased in value by being polished, painted, varnished, waxed, oiled, gilded, electrotyped, galvanized, plated, framed, ground, pressed, colored, dyed, trimmed, ornamented, or otherwise more completely finished or fitted for use or sale, without changing the original character or purposes for which the same are intended to be used, there shall be levied, collected, and paid a tax of five per centum ad valorem upon the amount of such increased value, to be ascertained by deducting from the value of the finished article when sold, or removed for sale, delivery, or consumption, the cost or value of the original article to the person, firm, or company liable to the duty imposed upon the increased value thereof. The increasing of values in the manner aforesaid shall be deemed manufacturing, and any person, firm, company, or corporation engaged therein shall be liable to all the provisions of law for the collection of internal duties relating to manufacturers, as to licenses, returns, payment of taxes, liens, fines, penalties, and forfeitures.

Exempt from duty.

SEC. 96. *And be it further enacted*, That newspapers, boards, shingles, laths, and other lumber, staves, hoops, shooks, headings, and timber partially wrought and unfinished for chairs, tubs, pails, hubs, spokes, felloes, snaths, lasts, shovel and fork handles, matchwood, umbrella stretchers, alcohol made or manufactured of spirits or materials upon which the duties imposed by law shall have been paid, bone dust, plaster or gypsum, malt, burning fluid, printers' ink, flax prepared for textile or felting purposes until actually woven, marble and slate, or other building-stones in block, rough and unwrought, charcoal, cokè, all flour and meal made from grain, bread and breadstuffs, butter, cheese, concentrated milk, paraffine, whale and fish oil, value of the bullion used in the manufacture of silver ware, silver bullion rolled or prepared for platers' use exclusively, materials prepared for the manufacture of hoop-skirts exclusively and unfit for other use, (such as cut tapes and small wares for joining hoops together,) shall be, and hereby are, exempt from duty. And also all goods, wares, and merchandise, and articles made or manufactured from materials which have been subject to, and upon which internal duties have been actually paid, or materials imported upon which duties have been paid, or upon which no duties have been imposed by law, where the increased value of such goods, wares, or merchandise, and articles so made or manufactured, shall

Post, p. 478.

Post, p. 478.

not exceed the amount of five per centum ad valorem, shall be, and hereby are, exempt from duty.

Existing contracts.

SEC. 97. *And be it further enacted*, That every person, firm, or corporation, who shall have made any contract prior to the passage of this act, and without other provision therein for the payment of duties imposed by law enacted subsequent thereto, upon articles to be delivered under such contract, is hereby authorized and empowered to add to the price thereof so much money as will be equivalent to the duty so subsequently imposed on said articles, and not previously paid by the vendee, and shall be entitled by virtue hereof to be paid, and to sue for and recover, the same accordingly: *Provided*, That where the United States is the purchaser under such prior contract, the certificate of the proper officer of the department by which the contract was made, showing, according to regulations to be prescribed by the Secretary of the Treasury, the articles so purchased by the United States, and liable to such subsequent duty, shall be taken and received, so far as the same is applicable, in discharge of such subsequent duties on articles so contracted to be delivered to the United States and actually delivered according to such contract: —

Proviso.

AUCTION SALES.

Auction sales.

What sales included.

SEC. 98. *And be it further enacted*, That there shall be levied, collected, and paid, on all sales of real estate, goods, wares, merchandise, articles, or things at auction, including all sales of stocks, bonds, and other securities, a duty of one fourth of one per centum on the gross amount of such sales; and every auctioneer or other person making such sales, as aforesaid, shall, at the end of each and every month, or within ten days thereafter, make a list or return to the assistant assessor of the district of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued, or should accrue thereon, which list shall have annexed thereto a declaration under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and shall, at the same time, as aforesaid, pay to the collector or deputy collector the amount of duty or tax thereupon, as aforesaid, and in default thereof shall be subject to and pay a penalty of five hundred dollars. In all cases of delinquency in making said list or payment the assessment and collection shall be made in the manner prescribed in the general provisions of this act: *Provided*, That no duty shall be levied under the provisions of this section upon any sales by judicial or executive officers making auction sales by virtue of a judgment or decree of any court, nor to public sales made by guardians, executors, or administrators.

Proviso.

BROKERS.

Brokers, &c.

Duty on sales.

SEC. 99. *And be it further enacted*, That all brokers, and bankers doing business as brokers, shall be subject to pay the following duties and rates of duty upon the sales of merchandise, produce, gold and silver bullion, foreign exchange, uncurrent money, promissory notes, stocks, bonds, or other securities as hereinafter mentioned, and shall be subject to all the provisions, where not inapplicable thereto, for the returns, assessment, collection of the duties, and liens and penalties as are prescribed for the persons, firms, companies, or corporations, owning or possessing, or having the management of railroads, steamboats, and ferry-boats, that is to say: Upon all sales of merchandise, produce, or other goods, one eighth of one per centum; upon all sales and contracts for sales of stocks and bonds, one twentieth of one per centum on the par value thereof; and of gold and silver bullion and coin, foreign exchange, promissory notes, or other securities, one twentieth of one per centum on the amount of such sales, and of all contracts for such sales: *Provided*, That any person, firm, or

Post, p. 478.

company, not being licensed as a broker, or banker, or wholesale or retail dealer, who shall sell, or offer to sell, any merchandise, produce, or gold and silver bullion, foreign exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, not bona fide at the time his own property, and actually on hand, shall be liable, in addition to all other penalties provided in such cases, to pay fifty per centum in addition to the foregoing duties and rates of duty.

Carriages, yachts, billiard-tables, &c.

Sec. 100. *And be it further enacted*, That there shall be levied annually, on every carriage, yacht, billiard-table, gold watch, or pianoforte, or other musical instruments, and on all gold and silver plate the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in schedule A, hereto annexed, to be paid by the person or persons owning, possessing, or keeping the same on the first Monday of May in each year, and the same shall be and remain a lien thereon until paid.

SCHEDULE A.

Carriages.	Carriage, gig, chaise, phæton, wagon, buggy wagon, carryall, rockaway, or other like carriage, and any coach, hackney coach, omnibus, or four-wheeled carriage, the body of which rests upon springs of any description, which may be kept for use, for hire, or for passengers, and which shall not be used exclusively in husbandry or for the transportation of merchandise, valued at fifty dollars and not exceeding one hundred dollars, including harness used therewith, each, one dollar	$1 00
	Carriages of like description, valued at above one hundred dollars and not above two hundred dollars, each, two dollars	2 00
	Carriages of like description, valued at above two hundred dollars and not above three hundred dollars, each, three dollars	3 00
	Carriages of like description, valued at above three hundred dollars and not above five hundred dollars, each, six dollars	6 00
	Carriages of like description, valued at above five hundred dollars, each, ten dollars	10 00
Watches.	On gold watches, composed wholly or in part of gold or gilt, kept for use, valued at one hundred dollars or less, each, one dollar	1 00
	On gold watches, composed wholly or in part of gold or gilt, kept for use valued at above one hundred dollars, each, two dollars	2 00
Pianofortes.	On pianofortes, organs, melodions, or other parlor musical instruments, kept for use, not including those placed in churches or public edifices, valued at not less than one hundred dollars and not above two hundred dollars, each, two dollars	2 00
	When valued at above two hundred dollars and not above four hundred dollars, each, four dollars	4 00
	When valued above four hundred dollars, each, six dollars	6 00
Yachts.	On yachts, pleasure or racing boats, by sail or steam, measuring by custom-house measurement ten tons or less, each, five dollars	5 00
	Exceeding ten and not exceeding twenty tons, each, ten dollars	10 00
	Exceeding twenty and not exceeding forty tons, each, twenty-five dollars	25 00
	Exceeding forty and not exceeding eighty tons, each, fifty dollars	50 00
	Exceeding eighty and not exceeding one hundred and ten tons, each, seventy-five dollars	75 00
	Exceeding one hundred and ten tons, each, one hundred dollars	100 00
Billiard-tables.	Billiard-tables, kept for use, ten dollars	10 00
	Provided, That billiard-tables kept for hire, and upon which a license tax has been imposed, shall not be required to pay the tax on billiard-tables kept for use as aforesaid, anything herein to the contrary notwithstanding.	
Plate.	On plate, of gold, kept for use, per ounce troy, fifty cents	50
	On plate, of silver, kept for use, per ounce troy, five cents	05
Proviso.	*Provided*, That silver spoons or plate of silver used by one family to an amount not exceeding forty ounces as aforesaid, belonging to any one person, plate belonging to religious societies, and souvenirs and keepsakes actually given and received as such, and not kept for use; also, all premiums awarded as a token of merit by any agricultural society, corporation, or association of persons, for any purpose whatever, shall be exempt from duty.	

Slaughtered cattle, swine and sheep.

SLAUGHTERED CATTLE, SWINE, AND SHEEP.

Sec. 101. *And be it further enacted*, That there shall be paid by any person, firm, company, or agent or employee thereof, the following duties or taxes, that is to say:—

On all cattle and calves exceeding three months old, slaughtered, except when slaughtered for the hides and tallow exclusively, forty cents per head. Slaughtered cattle, &c.

On all cattle and calves under three months old, slaughtered, five cents per head.

On all swine slaughtered, ten cents per head.

On all sheep and lambs slaughtered, five cents per head.

Provided, That cattle, not exceeding five in number, and calves, swine, sheep, and lambs, not exceeding in all twenty in number, slaughtered by any person for his or her own consumption, in any one year, shall be exempt from duty; and all sheep slaughtered for the pelts shall pay two cents only per head. Proviso.

SEC. 102. *And be it further enacted*, That on and after the date on which this act shall take effect, any person or persons, firms, or companies, or agents or employees thereof, who shall slaughter for sale, [any cattle, calves, sheep, lambs, or swine,] or who shall be the occupant of any building or premises in which such cattle, sheep, or swine shall be slaughtered, *any cattle, calves, sheep, lambs, or swine*, shall be required to make and render a list within ten days after the first day of each and every month to the assistant assessor of the district where the slaughtering is done, stating the number of cattle, calves, if any, the number of swine, if any, and the number of sheep and lambs, if any, slaughtered, as aforesaid, with the several rates of duty as fixed therein in this act, together with the whole amount thereof, which list shall have annexed thereto a declaration of said person or persons, agents or employees thereof, as aforesaid, under oath or affirmation, in such manner and form as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and shall, within the time and in the manner prescribed for the payment of duties on manufactures, pay the full amount of duties accruing thereon, as aforesaid, to the collector or deputy collector of the district, as aforesaid; and in case of default in making the return or payment of the duties, as aforesaid, the assessment and collection shall be made as in the provisions of this act required; and in case of fraud or evasion, the party offending shall forfeit and pay a penalty of ten dollars per head for any cattle, calves, swine, sheep, or lambs so slaughtered upon which the duty is fraudulently withheld, evaded, or attempted to be evaded; and the commissioner of internal revenue may prescribe such further rules and regulations as he may deem necessary for ascertaining the correct number of cattle, calves, swine, sheep, and lambs liable to be taxed under the provisions of this act. Persons slaughtering to render lists monthly.

RAILROADS, STEAMBOATS, FERRY-BOATS, AND BRIDGES.

Railroads, steamboats, ferry-boats, and bridges.

SEC. 103. *And be it further enacted*, That every person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or any stage-coach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal, the water of which is used for mining purposes, shall be subject to and pay a duty of two and one half per centum upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or such stage-coach or other vehicle: *Provided*, That the duty hereby imposed shall not be charged upon receipts for the transportation of persons or property, or mails, between the United States and any foreign port; and any person or persons, firms, companies, or corporations, owning, possessing, or having the care or management of any toll-road, ferry, or bridge, authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description, over such toll-road, ferry, or bridge, shall be subject to and pay a

Post, p. 493.

Post, p. 478.

Proviso.

Post, p. 478.

duty of three per centum on the gross amount of all their receipts of every description. But when the gross receipts of any such bridge or toll-road shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be imposed on such receipts: *Provided*, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

Post, p. 485.

Post, p. 478.

Express companies.

EXPRESS COMPANIES.

SEC. 104. *And be it further enacted*, That any person, firm, company, or corporation carrying on or doing an express business, shall be subject to and pay a duty of three per centum on the gross amount of all the receipts of such express business.

Insurance companies.

INSURANCE COMPANIES.

SEC. 105. *And be it further enacted*, That there shall be levied, collected, and paid a duty of one and a half of one per centum upon the gross receipts of premiums, or assessments for insurance from loss or damage by fire or by the perils of the sea, made by every insurance company, whether inland or marine or fire insurance company, and by every association or individual engaged in the business of insurance against loss or damage by fire or by the perils of the sea; and by every person, firm, company, or corporation, who shall issue tickets or contracts of insurance against injury to persons while travelling by land or water; and a like duty shall be paid by the agent of any foreign insurance company having an office or doing business within the United States; and that in the account or return to be rendered, they shall state the amount insured, renewed, or continued, the gross amount of premiums received and assessments collected, and the duties by law accruing thereon for the quarter then next preceding.

Post, p. 478.

Passports.

PASSPORTS.

SEC. 106. *And be it further enacted*, That for every passport issued from the office of the Secretary of State, there shall be paid the sum of five dollars; which amount may be paid to any collector appointed under this act, and his receipt therefor shall be forwarded with the application for such passport to the office of the Secretary of State, or any agent appointed by him, to be transmitted to the commissioner of internal revenue, there to be charged to the account of such collector. And the collectors shall account for all moneys received for passports in the manner hereinbefore provided, and a like amount shall be paid for every passport issued by any minister or consul of the United States, who shall account therefor to the treasury.

Telegraph companies.

TELEGRAPH COMPANIES.

SEC. 107. *And be it further enacted*, That any person, firm, company, or corporation owning or possessing or having the care or management of any telegraphic line by which telegraphic despatches or messages are received or transmitted, shall be subject to, and pay a duty of, five per centum on the gross amount of all receipts of such person, firm, company, or corporation.

Theatres, &c.

THEATRES, OPERAS, CIRCUSES, AND MUSEUMS.

SEC. 108. *And be it further enacted*, That any person, firm, or corporation, or the manager or agent thereof, owning, conducting, or having the

care or management of any theatre, opera, circus, museum, or other public exhibition of dramatic or operatic representations, plays, performances, musical entertainments, feats of horsemanship, acrobatic sports, or other shows which are opened to the public for pay, but not including occasional concerts, school exhibitions, lectures, or exhibitions of works of art, shall be subject to and pay a duty of two per centum on the gross amount of all receipts derived by such person, firm, company, or corporation from such representations, plays, performances, exhibitions, shows, or musical entertainments.

Theatres, operas, &c.

SEC. 109. *And be it further enacted*, That any person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or any ferry, toll-road or bridge, as enumerated and described in section one hundred and *two* [three] of this act; or carrying on or doing an express business; or engaged in the business of insurance, as hereinbefore described; or owning or having the care and management of any telegraph line, or owning, possessing, leasing, or having the control or management of any circus, theatre, opera, or museum, shall within twenty days after the end of each and every month, make a list or return in duplicate to the assistant assessor of the district, stating the gross amount of their receipts, respectively, for the month next preceding, which return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the commissioner of internal revenue; and shall also pay to the collector the full amount of duties which have accrued on such receipts for the month aforesaid. And in case of neglect or refusal to make said lists or return for the space of ten days after such return should have been made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, and shall add thereto ten per centum, as hereinbefore provided in other cases of delinquency, to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, firm, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor. And in case of neglect or refusal to pay the duties, with the addition aforesaid, when the same have been ascertained, for the space of ten days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay, in addition, ten per centum on the amount of such duties and addition; and for any attempt knowingly to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid, shall be liable to pay a penalty of one thousand dollars for every such attempt, to be recovered as provided in this act for the recovery of penalties. And all provisions of this act in relation to liens and collections by distraint, not incompatible herewith, shall apply to this section and the objects therein embraced.

Persons having charge of railroads, &c., to make monthly returns to assessors, and pay duties monthly.

Post, p. 479.

Proceedings in case of neglect or refusal.

BANKS AND BANKING.

Banks and banking.

SEC. 110. *And be it further enacted*, That there shall be levied, collected, and paid a duty of one twenty-fourth of one per centum each month upon the average amount of the deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company or corporation engaged in the business of banking; and a duty of one twenty-fourth of one per centum each month as aforesaid, upon the average amount of the capital of any bank, association, company, or corporation, or person engaged in the business of banking beyond the amount invested in United States bonds; and a duty of

Duty on deposits;

on capital.

Duty on circulation.

one twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional duty of one sixth of one per centum, each month, upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person, and upon any amount of such circulation, beyond the average amount of the circulation that had been issued as aforesaid by any such bank, association, corporation, company, or person, for the six months preceding the first day of July, eighteen hundred and sixty-four.

Monthly returns.

And on the first Monday of August next, and of each month thereafter, a true and accurate return of the amount of circulation, of deposit, and of capital as aforesaid, for the previous month, shall be made and rendered in duplicate by each of such banks, associations, corporations, companies, or persons to the assessor of the district in which any such bank, association, corporation, or company may be located, or in which such person may reside, with a declaration annexed thereto, and the oath or affirmation of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful statement of the amount of circulation, deposits, and capital as aforesaid, subject to duty as aforesaid, and shall transmit the duplicate of said return to the commissioner of internal

Monthly payments.

revenue, and within twenty days thereafter shall pay to the said commissioner of internal revenue the duties hereinbefore prescribed upon the said amount of circulation, of deposits, and of capital, as aforesaid, and for any refusal or neglect to make or to render such return and payment as aforesaid, any such bank, association, corporation, company, or person so in default shall be subject to and pay a penalty of two hundred dollars, besides the additional penalty and forfeitures in other cases provided in this act; and the amount of circulation, deposit, and capital, as aforesaid, in default of the proper return, shall be estimated by the assessor or assistant assessor of the district as aforesaid, upon the best information he can obtain; and every such penalty, together with the duties as aforesaid, may be recovered for the use of the United States in any court of competent

Branch-banks.

jurisdiction. And in the case of banks with branches, the duty herein provided for shall be imposed upon the circulation of each branch, severally, and the amount of capital of each branch shall be considered to be the amount allotted to such branch; and so much of an act entitled "An

1863, ch. 73, § 7. Vol. xii. p. 712.

act to provide ways and means for the support of the government," approved March three, eighteen hundred and sixty-three, as imposes any tax on banks, their circulation, capital, or deposits, other than is herein provided, is hereby repealed: *Provided*, That this section shall not apply to associations which are taxed under and by virtue of the act "to provide a national currency, secured by a pledge of United States bonds, and

1863, ch. 58, Vol. xii. p. 665.

to provide for the circulation and redemption thereof;" nor to any savings-bank having no capital stock, and whose business is confined to receiving deposits and loaning the same on interest for the benefit of the depositors only, and which do no other business of banking: *And provided, further*, That any bank ceasing to issue notes for circulation, and which shall deposit in the treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury may prescribe, shall be exempt from any tax upon such circulation.

[Clause stricken out, *post*, p. 479.]

What banks exempt.

LOTTERIES.

Lotteries.

SEC. 111. *And be it further enacted*, That every individual partnership, firm, and association, being proprietors, managers, or agents of lotteries, shall pay a tax of five per centum on the gross amount of the receipts from the said business; and all persons making such sales shall, within ten days after the first day of each and every month, make and render a list or return in duplicate to the assistant assessor of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued or should accrue thereon; which list shall have annexed thereto a declaration, under oath or affirmation, in such form and signed by such officer, agent, or clerk, as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and *that* the said proprietors, managers, and agents shall, on or before the twentieth day of each and every month, as aforesaid, pay the collector or deputy collector of the proper district the amount of the duty or tax as aforesaid. And in default of making such lists or returns, the said proprietors, managers, and agents, and all other persons making such sales, shall be subject to and pay a penalty of one thousand dollars, besides the additions, penalties, and forfeitures in other cases provided; and the said proprietors, managers, and agents shall, in default of paying the said duty or tax at the time herein required, be subject to and pay a penalty of one thousand dollars, or be imprisoned not exceeding one year. In all cases of delinquency in making said list, return, or payment, the assessments and collections shall be made in the manner prescribed in the provisions of this act in relation to manufactures, articles, and products: *Provided*, That the managers of any sanitary fair, or of any charitable, benevolent, or religious association, may apply to the collector of the district and present to him proof that the proceeds of any contemplated lottery, raffle, or gift enterprise will be applied to the relief of sick and wounded soldiers, or to some other charitable use, and thereupon the commissioner shall grant a permit to hold such lottery, raffle, or gift enterprise, and the said sanitary fair, or charitable or benevolent association, shall be exempt from all charge, whether from tax or license, in respect of such lottery, raffle, or gift enterprise: *Provided, further*, That nothing in this section contained shall be construed to legalize any lottery.

Duty.

Monthly lists; to be given to &c.

Monthly payments.

Penalty for default in making lists.

Raffles at fairs.

No lottery legalized.

SEC. 112. *And be it further enacted*, That each lottery ticket, or certificate supplementary thereto, shall be legibly stamped at the time of sale with the name of the vendor and the date of such sale, under a penalty of fifty dollars, to be paid by the vendor of each lottery ticket or certificate supplementary thereto sold without being first stamped as aforesaid.

Lottery tickets to be stamped.

SEC. 113. *And be it further enacted*, That in addition to all other penalties and forfeitures now imposed by law for the evasion of license fees or other taxes upon the lottery business, any person who shall hereafter sell or dispose of any lottery ticket or certificate supplementary thereto, or any device in the nature thereof, without having first duly obtained a license, as hereinbefore mentioned, shall incur a penalty of five hundred dollars for each and every such offence; and any person who shall purchase, obtain, or receive any lottery ticket, or any policy of numbers, tokens, certificate, wager, or device, representing or intended to represent a lottery ticket, or fractional part thereof, from any person not having a license to deal in lottery tickets, as provided by law, may recover from such person of whom the same was purchased, obtained, or received, at any time within three years thereafter, before any court of competent jurisdiction, a sum equal to twice the amount paid for the same, with just and legal costs.

Penalty for selling lottery tickets without license.

Advertisements.

ADVERTISEMENTS.

SEC. 114. *And be it further enacted*, That there shall be levied, collected, and paid by any person or persons, firm, or company, publishing any newspaper, magazine, review, or other literary, scientific, or news publication, issued periodically, on the gross receipts for all advertisements, or all matters for the insertion of which in said newspaper or other publication, as aforesaid, or in extras, supplements, sheets, or fly-leaves accompanying the same, pay is required or received, a duty of three per centum; and the person or persons, firm, or company, owning, possessing, or having the care or management of any and every such newspaper, or other publication, as aforesaid, shall make a list or return on the first day of January,

Quarterly returns.

April, July, and October of each year, containing the gross amount of receipts as aforesaid, and the amount of duties which have accrued thereon, and render the same in duplicate to the assistant assessor of the district where such newspaper, magazine, review, or other literary or news publication is or may be published; which list or return shall have annexed a declaration, under oath or affirmation, to be made according to the manner and form which may be from time to time prescribed by the commissioner of internal revenue, of the owner, possessor, or person having the care or management of such newspaper, magazine, review, or other publication, as aforesaid, that the same is true and correct; and shall also, quarterly, within ten days after the time of making said list or return, pay to the collector or deputy collector of the district the full amount of said duties. And in case of neglect or refusal to comply with any of the provisions contained in this section, or to make and render said list or return, for the space of ten days after the time when said list or return ought to have been made, as aforesaid, the assistant assessors of the respective districts shall proceed to estimate the duties as heretofore provided in other cases of delinquency; and in case of neglect or refusal to pay the duties, as aforesaid, for the space of ten days after said duties become due and payable, and have been demanded, said owner, possessor, or person or persons having the care or management of said newspapers or publications, as aforesaid, shall pay, in addition thereto, a penalty of ten per centum on the amount due. And in case of fraud or evasion, whereby the revenue is attempted to be defrauded, or the duty withheld, said owners, possessors, or person or persons having the care or management of said newspapers or other publications, as aforesaid, shall forfeit and pay a penalty of one thousand dollars for each offence, or for any sum fraudulently unaccounted for. And all provisions in this act in relation to returns, additions, penalties, forfeitures, liens, assessments, and collection, not incompatible herewith, shall apply to this section and the objects herein embraced: *Provided*, That in all cases where the rate or price of advertising is fixed by any law of the United States, state, or territory, it shall be lawful for the company, person or persons, publishing said advertisements, to add the duty or tax imposed by this act to the price of said advertisements, any law to the contrary notwithstanding; and that the receipts for advertisements to the amount of six hundred dollars annually, by any person or persons, firm, or company publishing any newspaper, magazine, review, or other literary, scientific, or news publication, issued periodically, shall be exempt from duty: *And provided, further*, That all newspapers whose average circulation does not exceed two thousand copies, shall be exempted from all taxes for advertisements.

Payments.

Penalty for neglect;

for fraud or evasion.

Proviso.

Exemption.

If a person has more than one place of business, tax to be collected where.

SEC. 115. *And be it further enacted*, That whenever by this act any license, duty, or tax of any description has been imposed on any person or corporate body, or property of any person, or incorporated or unincorporated company, having more than one place of business, it shall be lawful for the commissioner of internal revenue to prescribe and

determine in what district such tax shall be assessed and collected, and to what officer thereof the official notices required in that behalf shall be given, and of whom payment of such tax shall be demanded: *Provided*, That all taxes on manufactures, manufacturing companies, and manufacturing corporations shall be assessed, and the tax collected, in the district within which the place of manufacture is located, unless otherwise provided.

Tax on manufactures, collected where.

INCOME.

Income duty.

SEC. 116. *And be it further enacted*, That there shall be levied, collected, and paid annually upon the annual gains, profits, or income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interests, dividends, salaries, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income, exceed the sum of six hundred dollars, a duty of five per centum on the excess over six hundred dollars and not exceeding five thousand dollars; and a duty of seven and one half of one per centum per annum on the excess over five thousand dollars and not exceeding ten thousand dollars; and a duty of ten per centum on the excess over ten thousand dollars. And the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, or income for the year ending the thirty-first day of December next, preceding the time for levying, collecting, and paying said duty: *Provided*, That income derived from interest upon notes, bonds, and other securities of the United States, shall be included in estimating incomes under this section: *Provided*, That only one deduction of six hundred dollars shall be made from the aggregate incomes of all the members of any family composed of parents and minor children, or husband and wife, except in cases where such separate income shall be derived from the separate and individual estate, gains, or labor of the wife or child: *And provided, further*, That net profits realized by sales of real estate purchased within the year for which income is estimated, shall be chargeable as income; and losses on sales of real estate purchased within the year, for which income is estimated, shall be deducted from the income of such year.

[Amended, *Post*, p. 479.]

Sources of income.

Rate.

When assessed and payable.

Provisos.

Deductions.

Profits and losses on sales of real estate.

SEC. 117. *And be it further enacted*, That in estimating the annual gains, profits, or income of any person, all national, state, and municipal taxes, other than the national income tax, lawfully assessed within the year upon the property or sources of income of any person, as aforesaid, from which said annual gains, profits, or income is or should be derived, shall be deducted, in addition to six hundred dollars, from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgagor; also the salary or pay received for services in the civil, military, naval, or other service of the United States, including senators, representatives, and delegates in congress, above the rate of six hundred dollars per annum; and there shall also be deducted the income derived from dividends on shares in the capital stock of any bank, trust company, savings institution, insurance, railroad, canal, turnpike, canal navigation, or slack-water company, and the interest on any bonds or other evidences of indebtedness of any such corporation or company, which shall have been assessed and the tax paid, as hereinafter provided; also the amount paid by any person for the rent of the homestead used or occupied by himself or his family, and the rental value of any homestead used or occupied by any person, or by his family, in his own right or in the right of his wife, shall not be included and assessed as part of the income of such person. In estimating the annual gains, profits, or income of any person, the interest over and above the amount of interest paid upon all notes, bonds, and mortgages, or other forms of indebtedness,

Taxes to be deducted.

[Amended, *Post*, p. 479.]

Dividends on shares already assessed.

Annual gains, how estimated.

Annual gains, how estimated.

bearing interest, whether due and paid or not, if good and collectable, shall be included and assessed as part of the income of such person for each year; and also all income or gains derived from the purchase and sale of stocks or other property, real or personal, and the increased value of live stock, whether sold or on hand, and the amount of sugar, wool, butter, cheese, pork, beef, mutton, or other meats, hay, and grain, or other vegetable or other productions of the estate of such person sold, not including any part thereof unsold or on hand during the year next preceding the thirty-first of December, shall be included and assessed as part of the income of such person for each year, and the gains and profits of all companies, whether incorporated or partnership, other than the companies specified in this section, shall be included in estimating the annual gains, profits, or income of any person entitled to the same, whether divided or otherwise.

Annual deductions, how estimated.

In estimating deductions from income, as aforesaid, when any person rents buildings, lands, or other property, or hires labor to carry on land, or to conduct any other business from which such income is actually derived, or pays interest upon any actual incumbrance thereon, the amount actually paid for such rent, labor, or interest shall be deducted; and also the amount paid out for usual or ordinary repairs, not exceeding the average paid out for such purposes for the preceding five years, shall be deducted, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate: *Provided*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States, shall not exceed the rate of six hundred dollars per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, in such manner as the commissioner of internal revenue, under the direction of the Secretary of the Treasury, may prescribe.

Proviso.

Lists of income to be returned under oath;

[Amended, *Post*, p. 480.]

SEC. 118. *And be it further enacted*, That it shall be the duty of all persons of lawful age, and all guardians and trustees, whether such trustees are so by virtue of their office as executors, administrators, or in other fiduciary capacity, to make a list or return under oath or affirmation, in such form and manner as may be prescribed by the commissioner of internal revenue, to the assistant assessor of the district in which he resides, of the amount of his or her income, or the income of such minors or persons as may be held in trust as aforesaid, according to the requirements hereinbefore mentioned, stating the sources from which said income is derived, whether from any kind of property, or the purchase and sale of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation, or otherwise.

to state what.

In case of neglect, &c., to make return.

And in case of neglect or refusal to make such return, the assessor or assistant assessor shall assess the amount of his or her income, and the duty thereon, in the same manner as is provided for in other cases of neglect and refusal to furnish lists or returns in the provisions of this act, where not otherwise incompatible; and the assistant assessor may increase the amount of the list or return, or of any party making such return, if he shall be satisfied that the same is understated: *Provided*, That any party, in his or her own behalf, or as guardian or trustee, as aforesaid, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the commissioner of internal revenue, that he or she was not possessed of an income of six hundred dollars, liable to be assessed according to the provisions of this act, or may declare that he or she has been assessed elsewhere in the same year for, and has paid an income duty under authority of the United States, and shall thereupon be exempt from income duty in said district; or, if the list or return of any party shall have been

Proviso.

increased by the assistant assessor, in manner as aforesaid, such party may be permitted to declare, under oath or affirmation, the amount of annual income, or the amount held in trust, as aforesaid, liable to be assessed, and the same, so declared, shall be received by such assistant assessor as true, and as the sum upon which duties are to be assessed and collected, except that the deductions claimed in such cases shall not be made or allowed until approved by the assistant assessor. But any person feeling aggrieved by the decision of the assistant assessor in such cases, may appeal to the assessor of the district, and his decision thereon shall be final; and the form, time, and manner of proceedings shall be subject to rules and regulations to be prescribed by the commissioner of internal revenue.

Proceedings, if list has been increased by assessors.

Appeal.

SEC. 119. *And be it further enacted*, That the duties on incomes herein imposed shall be levied on the first day of May, and be due and payable on or before the thirtieth day of June, in each year, until and including the year eighteen hundred and seventy, and no longer; and to any sum or sums annually due and unpaid for thirty days after the thirtieth of June, as aforesaid, and for ten days after demand thereof by the collector, there shall be levied in addition thereto the sum of ten per centum on the amount of duties unpaid, as a penalty, except from the estates of deceased and insolvent persons. And if any person liable to pay such duty shall neglect or refuse to pay the same, after such demand, the amount due shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all the property and rights to property belonging to such person; and in default of the payment of said duty aforesaid, said lien may be enforced by distraint upon such property, rights to property, stocks, securities, and evidences of debt, by whomsoever holden; and for this purpose the collector, after demands duly given, as aforesaid, shall issue a warrant, in form and manner to be prescribed by the commissioner of internal revenue, under the directions of the Secretary of the Treasury, and by virtue of such warrant there may be levied on such property, rights to property, stocks, securities, and evidences of debt, a further sum, to be fixed and stated in such warrant, over and above the said annual duty, interest, and penalty for non-payment, sufficient for the fees, costs, and expenses of such levy. And in all cases of sale, as aforesaid, the certificate of such sale by the collector shall vest in the purchaser all right, title, and interest of such delinquent in and to such property, whether the property be real or personal; and where the subject of sale shall be stocks, the certificate of said sale shall be lawful authority and notice to the proper corporation, company, or association, to record the same on the books or records, in the same manner as if transferred or assigned by the person or party holding the same, to issue new certificates of stock therefor in lieu of any original or prior certificates, which shall be void whether cancelled or not. And said certificates of sale of the collector, where the subject of sale shall be securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

Duties on incomes, when payable.

Post, p. 481.

Penalty for neglect or refusal to pay.

Levy.

Sale.

SEC. 120. *And be it further enacted*, That there shall be levied and collected a duty of five per centum on all dividends in scrip or money thereafter declared due, and whenever the same shall be payable, to stockholders, policy-holders, or depositors, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings in-

Duty on dividends in scrip.

stitutions, and insurance companies shall pay the said duty, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid, the said duty of five per centum. And a list or return shall be made and rendered to the assessor or assistant assessor in duplicate, and one of said lists or returns shall be transmitted, and the duty paid to the commissioner of internal revenue within thirty days after the time when any dividends or sums of money become due or payable as aforesaid; and said list or return shall contain a true and faithful account of the amount of duties as aforesaid; and there shall be annexed thereto a declaration of the president, cashier, or treasurer of the bank, trust company, savings institution, or insurance company, under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful account of the duties as aforesaid. And for any default in the making or rendering of such list or return, with such declaration annexed, the bank, trust company, savings institution, or insurance company, making such default, shall forfeit as a penalty the sum of one thousand dollars; and in case of any default in making or rendering said list or return, or of any default in the payment of the duty as required, or any part thereof, the assessment and collection of the duty and penalty shall be in accordance with the general provisions of law in other cases of neglect and refusal: *Provided*, That the duty upon the dividends of life insurance companies shall not be deemed due or to be collected until such dividends shall be payable by such companies, nor shall the portion of premiums returned by mutual life insurance companies to their policy holders be considered as dividends or profits under this act.

Lists in duplicate.

Penalty for default in making duplicate.

Proviso.

Post, p. 481.

Banks neglecting to make additions to surplus fund, to return semi-annually amount of profits.

SEC. 121. *And be it further enacted*, That any bank legally authorized to issue notes as circulation, which shall neglect or omit to make dividends or additions to its surplus or contingent fund as often as once in six months, shall make a list or return in duplicate, under oath or affirmation of the president or cashier, to the assessor or assistant assessor of the district in which it is located, on the first day of January and July in each year, or within thirty days thereafter, of the amount of profits which have accrued or been earned and received by said bank during the six months next preceding said first days of January and July; and shall present one of said lists or returns and pay to the collector of the district a duty of five per centum on such profits; and in case of default to make such list or return and payment within the thirty days as aforesaid, shall be subject to the provisions of the foregoing section of this act: *Provided*, That when any dividend is made which includes any part of the surplus or contingent fund of any bank, trust company, savings institution, insurance or railroad company, which has been assessed and the duty paid thereon, the amount of duty so paid on that portion of the surplus or contingent fund may be deducted from the duty on such dividend.

Proviso.

Railroad and other corporation bonds.

SEC. 122. *And be it further enacted*, That any railroad, canal, turnpike, canal navigation, or slackwater company indebted for any money for which bonds or other evidence of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, or any such company that may have declared any dividend in scrip, or money due or payable to its stockholders, as part of the earnings, profits, income, or gains of such company, and all profits of such company carried to the account of any fund, or used for construction, shall be subject to and pay a duty of five per centum on the amount of all such interest, or coupons, dividends, or profits, whenever the same shall be payable; and said companies are hereby authorized to deduct and withhold from all payments, on account of any interest, or coupons and dividends due and payable as aforesaid, the duty of five per centum; and the payment of the amount of said duty so deducted from

the interest, or coupons, or dividends, and certified by the president or treasurer of said company, shall discharge said company from that amount of the dividend, or interest, or coupon, on the bonds or other evidences of their indebtedness so held by any person or party whatever, except where said companies may have contracted otherwise. And a list or return shall be made and rendered to the assessor or assistant assessor in duplicate, and one of said lists or returns shall be transmitted and the duty paid to the commissioner of internal revenue within thirty days after the time when said interest, coupons, or dividends become due and payable, and as often as every six months; and said list or return shall contain a true and faithful account of the amount of the duty, and there shall be annexed thereto a declaration of the president or treasurer of the company, under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful account of said duty. And for any default in making or rendering such list or return, with the declaration annexed, or of the payment of the duty as aforesaid, the company making such default shall forfeit as a penalty the sum of one thousand dollars; and in case of any default in making or rendering said list or return, or of the payment of the duty, or any part thereof, as aforesaid, the assessment and collection of the duty and penalty shall be made according to the provisions of law in other cases of neglect or refusal.

Returns.

Default in making returns.

SEC. 123. *And be it further enacted*, That there shall be levied, collected, and paid, on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including senators and representatives and delegates in congress, when exceeding the rate of six hundred dollars per annum, a duty of five per centum on the excess above the said six hundred dollars; and it shall be the duty of all paymasters, and all disbursing officers, under the government of the United States, or in the employ thereof, when making any payments to officers and persons as aforesaid, or upon settling and adjusting the accounts of such officers and persons, to deduct and withhold the aforesaid duty of five per centum, and shall, at the same time, make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the commissioner of internal revenue, and entered as part of the internal duties; and the pay-roll, receipts, or account of officers or persons paying such duty, as aforesaid, shall be made to exhibit the fact of such payment. And it shall be the duty of the several auditors of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or when settling or adjusting the accounts of any such officer, to require evidence that the duties or taxes mentioned in this section have been deducted or paid over to the commissioner of internal revenue: *Provided*, That payments of prize money shall be regarded as income from salaries, and the duty thereon shall be adjusted and collected in like manner.

Duty on incomes of those in the United States service.

Disbursing officers to deduct the amounts.

LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

Legacies, &c.

SEC. 124. *And be it further enacted*, That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property, as aforesaid, shall exceed the sum of one thousand dollars in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any state or territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainor, to any person or persons, or to any body or bodies politic or

Duty on legacies, &c.

corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows, that is to say: —

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property, as aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be a descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of two dollars for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of six dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any state or territory, to husband or wife of the person who died possessed, as aforesaid, shall be exempt from tax or duty.

What exempt from tax.

Duty to be a lien.

Sec. 125. *And be it further enacted*, That the tax or duty aforesaid shall be a lien and charge upon the property of every person who may die as aforesaid, for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the assessor or assistant assessor of the said district a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the commissioner of internal revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person, paying such duty or tax, a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee, to be credited and allowed such payment by every tribunal which, by the laws of any state or territory, is, or may be, empowered to decide upon and settle the accounts of executors and adminis-

Lists.

trators. And in case such executor, administrator, or trustee, shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said assessor or assistant assessor a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the assistant assessor shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody, any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the assessor or assistant assessor of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody, *and* [any] such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: *Provided*, [That] in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the government.

Refusal or neglect to pay.

False schedules.

Property to be sold.

Effect of deed of sale.

Persons having papers relating to succession to exhibit them to assessor, &c.

Post, p. 481.

SUCCESSION TO REAL ESTATE.

Succession to real estate.

SEC. 126. *And be it further enacted*, That for the purposes of this act the term "real estate" shall include all lands, tenements, and hereditaments, corporeal and incorporeal; that the term "succession" shall denote the devolution of title to any real estate; and that the term "person" shall be held to include persons, body corporate, company, or association.

Real estate to include what.

SEC. 127. *And be it further enacted*, That every past or future disposition of real estate by will, deed, or laws of descent, by reason whereof any perso[n] shall become beneficially entitled, in possession or expec-

tancy, to any real estate, or the income thereof, upon the death of any person dying after the passing of this act, shall be deemed to confer, on the person entitled by reason of any such disposition, a "succession;" and the term "successor" shall denote the person so entitled; and the term "predecessor" shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

"Succession," "successor," "predecessor" to mean what.

A charge upon real estate terminated by death to be a "succession."

Sec. 128. *And be it further enacted*, That where any real estate shall, at or after the passing of this act, be subject to any charge, estate, or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase of benefit accruing to any person upon the extinction or determination of such charge, estate, or interest, shall be deemed to be a succession accruing to the person then entitled, beneficially, to the real estate or the income thereof.

Persons taking succession jointly, how to pay duty.

Sec. 129. *And be it further enacted*, That where any persons, after the passing of this act, shall take any succession jointly, they shall pay the duty chargeable thereon by this act in proportion to their respective interests in the succession; and any beneficial interest in such succession, accruing to any of them by survivorship, shall be deemed to be a new succession, derived from the predecessor from whom the joint title shall have been derived.

Benefits accruing from termination by death of charge on real estate to be a "succession."

Sec. 130. *And be it further enacted*, That where any disposition of real estate shall be accompanied by the reservation or assurance of, or contract for, any benefit to the grantor, or any other person, for any term of life, or for any period ascertainable only by reference to death, such disposition shall be deemed to confer at the time appointed for the determination of such benefit an increase of beneficial interest in such real estate, as a succession equal in annual value to the yearly amount or yearly value of the benefit so reserved, assured, or contracted for, on the person in whose favor such disposition shall be made.

Where title passes, but beneficial ownership remains.

Sec. 131. *And be it further enacted*, That where any disposition of real estate shall purport to take effect presently, or under such circumstances as not to confer succession, but, by the effect or in consequence of any engagement, secret trust, or arrangement capable of being enforced in a court of law or equity, the beneficial ownership of such real estate shall not, bona fide, pass according to the terms of such disposition, but shall, in fact, be reserved to the grantor or other person for some period ascertainable only by reference to death, the person shall be deemed, for the purposes of this act, to acquire the real estate so passing as a succession derived from the person making the disposition as the predecessor.

Deed without valuable consideration to confer a succession upon grantee.

Sec. 132. *And be it further enacted*, That if any person shall, by deed of gift, or other assurance of title, made without valuable and adequate consideration, and purporting to vest the estate either immediately or in the future, whether or not accompanied by the possession, convey any real estate to any person, such disposition shall be held and taken to confer upon the grantee a succession within the meaning of this act.

Duties on successions.

Sec. 133. *And be it further enacted*, That there shall be levied and paid to the United States in respect of every such succession as aforesaid, according to the value thereof, the following duties, that is to say:—

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of one dollar per centum upon such value.

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of two dollars per centum upon such value.

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of four dollars per centum upon such value.

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather

or grandmother of the predecessor, a duty at the rate of five dollars per centum upon such value. Duties on successions.

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of six dollars per centum upon such value. *Post*, p. 481.

SEC. 134. *And be it further enacted*, That where the interest of any successor in any real estate shall, before he shall have become entitled thereto in possession, have passed by reason of death to any other successor or successors, then one duty only shall be paid in respect of such interest, and shall be due from the successor who shall first become entitled thereto in possession; but such duty shall be at the highest rate which, if every such successor had been subject to duty, would have been payable by any one of them. If interest of any successor has passed to other successors, only one duty to be paid.

SEC. 135. *And be it further enacted*, That wherever, after the passing of this act, any succession shall, before the successor shall have become entitled thereto in possession, have become vested by alienation, or by any title not conferring a new succession, in any other person, then the duty payable in respect thereof shall be paid at the same rate and time as the same would have been payable if no such alienation had been made or derivative title created; and where the title to any succession shall be accelerated by the surrender or extinction of any prior interests, then the duty thereon shall be payable at the time of such surrender or *extension* [extinction] of prior title. When any succession has become vested by alienation. *Post*, p. 481.

SEC. 136. *And be it further enacted*, That where real estate shall become subject to a trust for any charitable or public purposes, under any past or future disposition, which, if made in favor of an individual, would confer on him a succession, there shall be payable in respect of such real estate upon its becoming subject to such trusts, a duty at the rate of six per centum upon the amount or principal value of such real estate. Real estate subject to trust for charitable purposes.

SEC. 137. *And be it further enacted*, That the duty imposed by this act shall be paid at the time when the successor, or any person in his right or on his behalf, shall become entitled in possession, to his succession, or to the receipt of the income and profits thereof, except that if there shall be any prior charge, estate, or interest, not created by the successor himself upon or in the succession, by reason whereof the successor shall not be presently entitled to the full enjoyment or value thereof, the duty, in respect of the increased value accruing upon the determination of such charge, estate, or interest, shall, if not previously paid, compounded for, or commuted, be paid at the time of such determination. When duty is to be paid.

SEC. 138. *And be it further enacted*, That the interest of any successor in moneys to arise from the sale of real estate, under any trust for the sale thereof, shall be deemed to be a succession chargeable with duty under this act, and the said duty shall be paid by the trustee, executor, or other person having control of the funds. Interest in proceeds of sale of real estate to be a succession;

SEC. 139. *And be it further enacted*, That the interest of any successor in personal property, subject to any trust for the investment thereof in the purchase of real estate to which the successor would be absolutely entitled, shall be chargeable with duty under this act as a succession, and the tax shall be payable by the trustee, executor, or other person having control of the funds. in personal property subject to trust.

SEC. 140. *And be it further enacted*, That in estimating the value of a succession no allowance shall be made in respect of any contingent incumbrance thereon; but in the event of such incumbrance taking effect as an actual burden on the interest of the successor, he shall be entitled to a return of a proportionate amount of the duty so paid by him in respect of the amount or value of the incumbrance when taking effect. No allowance for contingent incumbrances;

SEC. 141. *And be it further enacted*, That in estimating the value of a succession no allowance shall be made in respect of any contingency nor for certain other contingencies.

upon the happening of which the real estate may pass to some other person; but in the event of the same so passing, the successor shall be entitled to a return of so much of the duty paid by him as will reduce the same to the amount which would have been payable by him if such duty had been assessed in respect of the actual duration or extent of his interest: *Provided*, That if the estate of the successor shall be defeated, in whole or in part, by its application to the payment of the debts of the predecessor, the executor, administrator, or trustee so applying it shall pay out of the proceeds of the sale thereof the amount so refunded: *And provided, also*, That if the estate of the successor shall be defeated, in whole or in part, by any person claiming title from and under the predecessor, such person shall be chargeable with the amount of duty so refunded, and such amounts shall be collected in the manner herein provided for the collection of duties.

Duty to be returned, if, &c.

Provisos.

Duty to be charged only on portion of succession received.

Sec. 142. *And be it further enacted*, That where a successor shall not have obtained the whole of his succession at the time of the duty becoming payable, he shall be chargeable only with duty on the value thereof from time to time obtained by him; and whenever any duty shall have been paid on account of any succession, and it shall afterwards be proved, to the satisfaction of the Secretary of the Treasury, that such duty, not being due from the person paying the same, was paid by mistake, or was paid in respect of real estate, which the successor shall have been unable to recover, or of which he shall have been evicted or deprived by any superior title, or that for any other reason it ought to be refunded, the Secretary of the Treasury shall thereupon refund the same to the person entitled thereto, by draft drawn on any collector of internal revenue.

Where commissioner may compound the duty payable;

Sec. 143. *And be it further enacted*, That where, in the opinion of the commissioner of internal revenue, any succession shall be of such a nature, or so disposed or circumstanced, that the value thereof shall not be fairly ascertainable under any of the preceding directions, or where, from the complication of circumstances affecting the value of a succession, or affecting the assessment or recovery of the duty thereon, the commissioner shall think it expedient to exercise this present authority, it shall be lawful for him to compound the duty payable on the succession upon such terms as he shall think fit, and to give discharges to the successor, upon payment of duty according to such composition; and it shall be lawful for him, in any special cases in which he may think it expedient so to do, to enlarge the time for payment of any duty.

when may commute.

Sec. 144. *And be it further enacted*, That it shall be lawful for the commissioner, in his discretion, upon application made by any person who shall be entitled to a succession in expectancy, to commute the duty presumptively payable in respect of such succession for a certain sum to be presently paid, and for assessing the amount which shall be so payable he shall cause a present value to be set upon such presumptive duty, regard being had to the contingencies affecting the liability to such duty, and the interest of money involved in such calculation being reckoned at the rate for the time being allowed by the commissioner in respect of duties paid in advance, and upon the receipt of such certain sum he shall give discharges to the successor accordingly.

Duty to be a first charge.

Sec. 145. *And be it further enacted*, That the duty imposed by this act shall be a first charge on the interest of the successor, and of all persons claiming in his right, in all the real estate in respect whereof such duty shall be assessed for five years, unless sooner paid.

Separate assessments may be made for interests in separate tracts.

Sec. 146. *And be it further enacted*, That the commissioner shall, at the request of any successor, or any person claiming in his right, cause to be made so many separate assessments of the duty payable in respect of the interest of the successor in any separate tracts of real estate, or in defined portions of the same tract, as shall be reasonably required; and in such cases the respective tracts shall be chargeable only with the amount of duty separately assessed in respect thereof.

Persons liable to duty to give notice to assessor.

SEC. 147. *And be it further enacted*, That any person liable to pay duty in respect to any succession, shall give notice to the assessor or assistant assessor of his liability to such duty, and shall, at the same time, deliver to the assessor or assistant assessor a full and true account of said succession, for the duty whereon he shall be accountable, and of the value of the real estate involved, and of the deductions claimed by him, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the assessor or assistant assessor fully and correctly to ascertain the duties due; and the assessor or assistant assessor, if satisfied with such account and estimate as originally delivered, or with any amendments that may be made therein upon his requisition, may assess the succession duty on the footing of such account and estimate; but it shall be lawful for the assessor or assistant assessor, if dissatisfied with such account, or if no account and estimate shall be delivered to him, to assess the duty on the best information he can obtain, subject to appeal as hereinafter provided; and if the duty so assessed shall exceed the duty assessible according to the return made to the assessor or assistant assessor, and with which he shall have been dissatisfied, or if no account and estimate has been delivered, and if no appeal shall be taken against such assessment, then it shall be in the discretion of the assessor, having regard to the merits of each case, to assess the whole or any part of the expenses incident to the taking of such assessment, in addition to such duty; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the commissioner of internal revenue.

If assessor is dissatisfied.

When expenses may be added.

Penalty for neglect in furnishing lists.

SEC. 148. *And be it further enacted*, That if any person required to give any such notice, or deliver such account, as aforesaid, shall wilfully neglect to do so for the period of ten days after being notified, he shall be liable to pay to the United States a sum equal to ten per centum upon the amount of duty payable by him; and if any person liable under this act to pay any duty in respect of his succession shall, after such duty shall have been finally ascertained, wilfully neglect to do so within ten days after being notified, he shall also be liable to pay to the United States a sum equal to ten per centum upon the amount of duty so unpaid, at the same time and in the same manner as the duty to be collected.

Appeals.

SEC. 149. *And be it further enacted*, That it shall be lawful for any party, liable to pay duty in respect of his succession, who shall be dissatisfied with the assessment of the assistant assessor, within thirty days after the date of such ass[ess]ment, to appeal to the assessor from such assessment, who shall decide on such appeal, and give notice thereof to such party, who, if still dissatisfied, may, within twenty days after notice as aforesaid, appeal from such decision to the commissioner of internal revenue, and furnish a statement of the grounds of such appeal to the commissioner, whose decision upon the case, as presented by the statements of the assessor or assistant assessor and such party, shall be final.

Post, p. 481.

Decision of commissioner to be final.

Duties upon successions to be collected by what officers.

SEC. 150. *And be it further enacted*, That the duties levied and assessed upon successions by this act shall be collected by the same officers, in the same manner, and by the same processes as are or may be prescribed by law for the collection of direct taxes assessed upon lands under the authority of the United States.

STAMP DUTIES.

Stamp duties.

SEC. 151. *And be it further enacted*, That all laws in force at the time of the passage of this act in relation to stamp duties shall continue in force until the first day of August, eighteen hundred and sixty-four, and

Post, p. 491.

on and after the first day of August, eighteen hundred and sixty-four, there shall be levied, collected, and paid, for and in respect of the several instruments, matters, and things mentioned and described in the schedule (marked B) hereunto annexed, or for or in respect of the vel[l]um, parchment, or paper upon which such instruments, matters, or things, or any of them shall be written or printed, by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several duties or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

Stamp duties to be paid by party signing instrument, &c.

Instruments not to be recorded without a stamp.

SEC. 152. *And be it further enacted*, That it shall not be lawful to record any instrument, document, or paper required by law to be stamped, unless a stamp or stamps of the proper amount shall have been affixed; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been affixed, shall be utterly void, and shall not be used in evidence.

What stamp may be used.

SEC. 153. *And be it further enacted*, That no instrument, document, writing, or paper of any description, required by law to be stamped, shall be deemed or held invalid and of no effect for the want of the particular kind or description of stamp designated for and denoting the duty charged on any such instrument, document, writing, or paper, provided a legal stamp, or stamps, denoting a duty of equal amount, shall have been duly affixed and used thereon: *Provided*, That the provisions of this section shall not apply to any stamp appropriated to denote the duty charged on proprietary articles, or articles enumerated in schedule C.

Proviso.

Official United State documents exempt, &c.

SEC. 154. *And be it further enacted*, That all official instruments, documents, and papers, issued or used by the officers of the United States government, shall be, and hereby are, exempt from duty.

Penalty for forging, &c., stamps, &c.

SEC. 155. *And be it further enacted*, That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp or die, or any part of any stamp or die, which shall have been provided, made, or used in pursuance of this act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp or die, as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper, with any such forged or counterfeited stamp or die, or part of any stamp or die, as aforesaid, with intent to defraud the United States of any of the duties hereby imposed, or any part thereof; or if any person shall utter or sell, or expose to sale, any vellum, parchment, or paper, article, or thing, having thereupon the impression of any such counterfeited stamp or die, or any part of any stamp or die, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same respectively to be forged, counterfeited, or resembled; or if any person shall knowingly use any stamp or die which shall have been so provided, made, or used as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp or die which shall have been provided, made, or used in pursuance of this act, from any vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the duties hereby imposed; or if any person shall wilfully remove, or cause to be removed, from any stamped envelope the cancelling or defacing marks thereon, with intent to use the same, or cause the use of the same, the second time, or shall knowingly or wilfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the second use thereof, then, and in every such case, every person so offend-

or the impression of stamps, &c.;

for stamping with forged stamps;

for selling paper, &c., with forged stamp, &c. thereon;

for using forged stamps;

for fraudulently, &c., removing impression of dies, &c.;

for selling washed or restored stamps, &c.

ing, and every person knowingly and wilfully aiding, abetting, or assisting in committing any such offence as aforesaid, shall be deemed guilty of felony, and shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor, not exceeding five years, or both, at the discretion of the court.

Cancellation of stamps.

SEC. 156. *And be it further enacted*, That in any and all cases where an adhesive stamp shall be used for denoting any duty imposed by this act, except as hereinafter provided, the person using or affixing the same shall write thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any duty imposed by this act without so effectually cancelling and obliterating such stamp, except as before mentioned, he, she, or they shall forfeit the sum of fifty dollars: *Provided*, That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under schedule C of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the commissioner of internal revenue, his or their own dies or designs for stamps to be used thereon, to be made under the direction, and to be retained in the possession of, the commissioner of internal revenue for his or their separate use, which shall not be duplicated to any other person. That in all cases where such stamp is used, instead of his or their writing the date thereon, the said stamp shall be so affixed on the box, bottle, or package, that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof, shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps, or designs therefor, and any person forging, or counterfeiting, or causing or procuring the forging or counterfeiting any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession, any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a felony, and, upon conviction thereof, shall be subject to all the penalties, fines, and forfeitures prescribed in the preceding section of this act.

Penalty.

Proprietary articles.

Dies, &c., for stamps.

Stamps to be so affixed as to be destroyed.

Fraudulently using or forging.

Mode of cancellation.

SEC. 157. *And be it further enacted*, That the commissioner of internal revenue be, and he is hereby, authorized to prescribe such method for the cancellation of stamps, as substitute for, or in addition to, the method now prescribed by law, as he may deem expedient and effectual. And he is further authorized in his discretion to make the application of such method imperative upon the manufacturers of proprietary articles, or articles included in schedule C, and upon stamps of a nominal value exceeding twenty-five cents each.

Penalty for making, paying, &c., unstamped instruments, &c.

SEC. 158. *And be it further enacted*, That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept or pay, or cause to be accepted or paid, any bill of exchange, draft, or order or promissory note, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the duty chargeable thereon, with intent to evade the provisions of this act, shall, for every such offence, forfeit the sum of two hundred dollars, and such instrument, document, or paper,

[Amended, *Post*, p. 481.]

bill, draft, order, or note shall be deemed invalid and of no effect: *Provided*, That the title of a purchaser of land by a deed duly stamped, shall not be defeated or *effected* [affected] by the want of a proper stamp on any deed conveying said land by any person from, through, or under whom his grantor claims or holds title.

Foreign bills of exchange to be stamped before payment.

SEC. 159. *And be it further enacted*, That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the duty upon the same, as the law requires for inland bills of exchange, or promissory notes, and no bill of exchange shall be paid or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall forfeit the sum of two hundred dollars.

Stamp duty not required on, &c.

SEC. 160. *And be it further enacted*, That no stamp duty shall be required on powers of attorney or any other paper relating to applications for bounties, arrearages of pay, or pensions, or to the receipt thereof from time to time, or upon tickets or contracts of insurance when limited to injury to persons while travelling; nor on certificates *or* [of] the measurement or weight of animals, wood, coal, or other articles; nor on deposit notes to mutual insurance companies for insurance upon which policies subject to stamp duties have been, or are to be, issued; nor on any certificate of the record of a deed or other instrument in writing, or of the acknowledgment or proof thereof by attesting witnesses; nor to any indorsement of a negotiable instrument, or on any warrant of attorney, accompanying a bond or note, when such bond or note shall have affixed thereto the stamp or stamps denoting the duty required; and whenever any bond or note shall be secured by a mortgage, but one stamp shall be required to be placed on such papers: *Provided*, That the stamp duty placed thereon shall be the highest rate required for said instruments, or either of them.

Post, p. 482.

Mortgages.

Stamps, stamped papers, &c., may be sold to collectors, &c.

SEC. 161. *And be it further enacted*, That the commissioner of internal revenue be, and is hereby, authorized to sell to and supply collectors, deputy collectors, postmasters, stationers, or any other persons, at his discretion, with adhesive stamps, or stamped paper, vellum, or parchment, as herein provided for, in amounts of not less than fifty dollars, upon the payment, at the time of delivery, of the amount of duties said stamps, stamped paper, vellum, or parchment, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, as aforesaid, the sum of not exceeding five per centum as commission to the collectors, postmasters, stationers, or other purchasers; but the cost of any paper, vellum, or parchment shall be paid by the purchaser of such stamped paper, vellum, or parchment, as aforesaid: *Provided*, That any proprietor or proprietors of articles named in schedule C, who shall furnish his or their own die or design for stamps, to be used especially for his or their own proprietary articles, shall be allowed the following commission, namely: On amounts purchased at one time, of not less than fifty nor more than five hundred dollars, five per centum; on amounts over five hundred dollars, ten per centum. The commissioner of internal revenue may, from time to time, make regulations, upon proper evidence of the facts, for the allowance of such of the stamps issued under the provisions of this act as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been paid in error, or remitted; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value, after deducting therefrom, in case of repayment, the sum of five per centum

Commission.

Commission on stamps for proprietary articles, when, &c.

Allowance for spoiled, &c., stamps.

to the owner thereof; but no allowance shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the commissioner of internal revenue, or until satisfactory proof has been made showing the reason why said stamps cannot be so returned: *Provided*, That the commissioner of internal revenue may, from time to time, furnish, supply, and deliver to any manufacturer of friction or other matches, cigar-lights, or wax tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the treasurer of the United States, within the time prescribed for such payment. And upon all bonds or other securities taken by said commissioner, under the provisions of this act, suits may be maintained by said treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside, or may be found, in any appropriate form of action.

Certain stamps may be delivered on credit, by giving security.

SEC. 162. *And be it further enacted*, That it shall be lawful for any person to present to the collector of the district, subject to the rules and regulations of the commissioner of internal revenue, any instrument not previously issued or used, and require his opinion whether or not the same is chargeable with any stamp duty; and if the said collector shall be of opinion that such instrument is chargeable with any stamp duty, he shall, upon the payment therefor, affix and cancel the proper stamp; and if of the opinion that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty by him designated, he is hereby required to impress thereon a particular stamp, to be provided for that purpose, with such words or device thereon as he shall judge proper, which shall denote that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty denoted by the stamp affixed; and every such instrument, upon which the said stamp shall be impressed, shall be deemed to be not chargeable, or to be chargeable only with the duty denoted by the stamp so affixed, and shall be received in evidence in all courts of law or equity, notwithstanding any objections made to the same by reason of it being unstamped, or of it being insufficiently stamped.

Instruments not used may be presented to commissioner to determine the duty.

SEC. 163. *And be it further enacted*, That no deed, instrument, document, writing, or paper, required by law to be stamped, which has been heretofore signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded, or admitted, or used as evidence in any court until a legal stamp or stamps, denoting the amount of duty, shall have been affixed thereto, and the date when the same is so used or affixed, with his initials, shall have been placed thereon by the person using or affixing the same; and the person desiring to use or record any such deed, instrument, document, writing, or paper as evidence, his agent or attorney, is authorized in the presence of the court, register, or recorder, respectively, to affix the stamp or stamps thereon required: *Provided*, That no instrument, document, or paper made, signed, or issued, prior to the passage of this act, without being duly stamped, or having thereon an adhesive stamp or stamps, to denote the duty imposed thereon, shall, for that cause, if the stamp or stamps required shall be subsequently affixed, be deemed invalid and of no effect: *Provided, further*, That any power of attorney, conveyance, or document of any kind, made, or purporting to be made, in any foreign country to be used in the United States, shall pay the same duty as is required by law on similar instruments or documents when made or issued in the United States; and the party to whom the same is issued, or by whom it is to be used, shall, before using the same, affix thereon the stamp or stamps indicating the duty required.

Instruments required to be stamped not to be used without; or recorded.

Stamps may be subsequently affixed to certain deeds, &c.

Provisos.

SEC. 164. *And be it further enacted*, That all the provisions of this act relating to dies, stamps, adhesive stamps, and stamp duties shall extend to and include (except where manifestly impracticable) all the articles or

Provisions as to dies, to include what.

objects enumerated in schedule marked C, subject to stamp duties, and apply to the provisions in relation thereto.

Penalty for making, selling, &c., certain articles without affixing stamps.

SEC. 165. *And be it further enacted*, That if any person, firm, company, or corporation shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, lucifer or friction matches, cigar-lights, or wax tapers, photographs, ambrotypes, daguerreotypes, or other sun-pictures of any description, and playing-cards, upon which a duty is imposed by law, as enumerated and mentioned in schedule C, without affixing thereto an adhesive stamp or label denoting the duty before mentioned, he or they shall incur a penalty of ten dollars for every omission to affix such stamp: *Provided*, That nothing in this act contained shall apply to any uncompounded medicinal drug or chemical, nor to any medicine compounded according to the United States or other national pharmacopœia, nor of which the full and proper formula is published in either of the dispensatories, formularies, or text-books in common use among physicians and apothecaries, including homœopathic and eclectic, or in any pharmaceutical journal now used by any incorporated college of pharmacy, and not sold or offered for sale, or advertised under any other name, form, or guise, than that under which they may be severally denominated and laid down in said pharmacopœias, dispensatories, text-books, or journals, as aforesaid, nor to medicines sold to, or for the use of, any person, which may be mixed and compounded specially for said persons, according to the written recipe or prescription of any physician or surgeon.

Proviso.

Post, p. 482.

Penalty for removing stamps once affixed to evade duty;

SEC. 166. *And be it further enacted*, That every manufacturer or maker of any of the articles for sale mentioned in schedule C, after the same shall have been so made, and the particulars hereinbefore required as to stamps have been complied with, who shall take off, remove, or detach, or cause, or permit, or suffer to be taken off, or removed, or detached, any stamp, or who shall use any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp duties, shall for every such article, respectively, in respect of which any such offence shall be committed, be subject to a penalty of fifty dollars, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited.

for selling, &c., certain articles without stamps.

SEC. 167. *And be it further enacted*, That on and after the passage of this act every maker or manufacturer of any of the articles or *or* commodities mentioned in schedule C, as aforesaid, who shall sell, send out, remove, or deliver any article or commodity, manufactured as aforesaid, before the duty thereon shall have been fully paid, by affixing thereon the proper stamp, as provided by law, or who shall hide or conceal, or cause to be hidden or concealed, or who shall remove or convey away, or deposit, or cause to be removed or conveyed away from or deposited in any place, any such article or commodity, to evade the duty chargeable thereon, or any part thereof, shall be subject to a penalty of one hundred dollars, together with the forfeiture of any such article or commodity.

Post, p. 482.

Medicines, &c., to be made, &c., without duty, to be manufactured in warehouses.

SEC. 168. *And be it further enacted*, That all medicines, preparations, compositions, perfumery, cosmetics, lucifer or friction matches, and cigar-lights, or wax tapers, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided for by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such rules and regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in treasury regulations as bonded warehouses, class two: *Provided*, That such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the

Post, p. 482.

Manufacturers to give bonds, &c.

provisions of law and the rules and regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation, under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse, as aforesaid, shall be at liberty, under such rules and regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and, when so used, shall be exempt from stamp and excise duty; and the receipt of the officer in charge, as aforesaid, shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom, except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their marks, or otherwise, the quantity, the date of importation, the name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds, or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

Manufactured goods may be removed for exportation.

Warehouses may be used for what.

Materials used in the manufacture.

Labor.

SEC. 169. *And be it further enacted*, That any person who shall offer for sale any of the articles named in schedule C, whether the articles so offered are imported, or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the duty paid thereon: *Provided*, That when any such imported articles shall be sold in the original and unbroken package in which the bottles or other enclosures were packed by the manufacturer, the person so selling said articles shall not be subject to any penalty on account of the want of the proper stamp.

Who to be deemed manufacturers of certain articles.

Post, p. 482.

Proviso.

Post, p. 483.

SEC. 170. *And be it further enacted*, That in any collection district where, in the judgment of the commissioner of internal revenue, the facilities for the procurement and distribution of stamped vellum, parchment, or paper, and adhesive stamps, are or shall be insufficient, the commissioner, as aforesaid, is authorized to furnish, supply, and deliver to the collector and to the assessor of any such district, and to any assistant treasurer of the United States, or designated depositary thereof, or any postmaster, a suitable quantity or amount of stamped vellum, parchment or paper, and adhesive stamps, without prepayment therefor, and shall allow the highest rate of commissions allowed by law to any other parties purchasing the

In certain districts, stamps, &c., may be delivered to collector without prepayment.

Bond to be given.

same, and may in advance require of any such collector, assessor, assistant treasurer of the United States, or postmaster, a bond, with sufficient sureties, to an amount equal to the value of any stamped vellum, parchment, or paper, and adhesive stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts, sold or not, remaining on hand.

Deputy collectors to be supplied with stamps.

And it shall be the duty of such collector to supply his deputies with, or sell to other parties within his district who may make application therefor, stamped vellum, parchment, or paper, and adhesive stamps, upon the same terms allowed by law, or under the regulations of the commissioner of internal revenue, who is hereby authorized to make such other regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters hereinbefore mentioned, as he may judge necessary and expedient. And the

Regulations.

Secretary of the Treasury may, from time to time, make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such stamped vellum, parchment, paper, and adhesive stamps.

Schedule B.

SCHEDULE B.

Stamp duties.

STAMP DUTIES.	Duty. Dolls. cts.
AGREEMENT or CONTRACT, other than those specified in this schedule; any appraisement of value or damage, or for any other purpose; for every sheet or piece of paper upon which either of the same shall be written, five cents	5
Provided, That if more than one appraisement, agreement, or contract shall be written upon one sheet or piece of paper, five cents for each and every additional appraisement, agreement, or contract.	
BANK CHECK, draft, or order for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, or for any sum exceeding ten dollars drawn upon any other person or persons, companies, or corporations, at sight or on demand, two cents	2
BILL OF EXCHANGE, (inland,) draft, or order for the payment of any sum of money, not exceeding one hundred dollars, otherwise than at sight or on demand, or any promissory note, (except bank-notes issued for circulation, and checks made and intended to be forthwith presented, and which shall be presented to a bank or banker for payment,) or any memorandum, check, receipt, or other written or printed evidence of an amount of money to be paid on demand, or at a time designated, for a sum not exceeding one hundred dollars, five cents	5
And for every additional hundred dollars, or fractional part thereof in excess of one hundred dollars, five cents	5
BILL OF EXCHANGE, (foreign,) or letter of credit, drawn in but payable out of the United States, if drawn singly, or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay the same rates of duty as inland bills of exchange or promissory notes.	
If drawn in sets of three or more: For every bill of each set, where the sum made payable shall not exceed one hundred dollars, or the equivalent thereof, in any foreign currency in which such bills may be expressed, according to the standard of value fixed by the United States, two cents	2
And for every additional hundred dollars or fractional part thereof in excess of one hundred dollars, two cents	2
BILL OF LADING or receipt, (other than charter-party,) for any goods, merchandise, or effects, to be exported from a port or place in the United States to any foreign port or place, ten cents	10
BILL OF SALE by which any ship or vessel, or any part thereof, shall be conveyed to or vested in any other person or persons, when the consideration shall not exceed five hundred dollars, fifty cents	50
Exceeding five hundred dollars and not exceeding one thousand dollars, one dollar	1 00
Exceeding one thousand dollars for every additional amount of five hundred dollars, or fractional part thereof, fifty cents	50
BOND for indemnifying any person for the payment of any sum of money, where the money ultimately recoverable thereupon is one thousand dollars or less, fifty cents	50
Where the money ultimately recoverable thereupon exceeds one thousand	

	Duty. Dolls. cts.	Stamp duties.
dollars, for every additional one thousand dollars or fractional part thereof in excess of one thousand dollars, fifty cents	50	
BOND for the due execution or performance of the duties of any office, one dollar	1 00	
BOND of any description, other than such as may be required in legal proceedings, or used in connection with mortgage deeds, and not otherwise charged in this schedule, twenty-five cents	25	
CERTIFICATE of stock in any incorporated company, twenty-five cents	25	
CERTIFICATE of profits, or any certificate or memorandum showing an interest in the property or accumulations of any incorporated company, if for a sum not less than ten dollars and not exceeding fifty dollars, ten cents	10	
Exceeding fifty dollars and not exceeding one thousand dollars, twenty-five cents	25	
Exceeding one thousand dollars, for every additional one thousand dollars, or fractional part thereof, twenty-five cents	25	
CERTIFICATE. — Any certificate of damage, or otherwise, and all other certificates or documents issued by any port warden, marine surveyor, or other person acting as such, twenty-five cents	25	
CERTIFICATE of deposit of any sum of money in any bank or trust company, or with any banker or person acting as such —		
If for a sum not exceeding one hundred dollars, two cents	2	
For a sum exceeding one hundred dollars, five cents	5	
Certificate of any other description than those specified, five cents	5	
CHARTER-PARTY. — Contract or agreement for the charter of any ship or vessel, or steamer, or any letter, memorandum, or other writing between the captain, master, or owner, or person acting as agent of any ship or vessel, or steamer, and any other person or persons for, or relating, to the charter of such ship or vessel, or steamer, or any renewal or transfer thereof, if the registered tonnage of such ship or vessel, or steamer, does not exceed one hundred and fifty tons, one dollar	1 00	
Exceeding one hundred and fifty tons, and not exceeding three hundred tons, three dollars	3 00	
Exceeding three hundred tons, and not exceeding six hundred tons, five dollars	5 00	
Exceeding six hundred tons, ten dollars	10 00	
CONTRACT. — Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, for each note or memorandum of sale, ten cents	10	
CONVEYANCE. — Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his, her, or their direction, when the consideration or value does not exceed five hundred dollars, fifty cents	50	
When the consideration exceeds five hundred dollars, and does not exceed one thousand dollars, one dollar	1 00	
And for every additional five hundred dollars, or fractional part thereof, in excess of one thousand dollars, fifty cents	50	
ENTRY of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding one hundred dollars in value, twenty-five cents	25	
Exceeding one hundred dollars, and not exceeding five hundred dollars in value, fifty cents	50	
Exceeding five hundred dollars in value, one dollar	1 00	
ENTRY for the withdrawal of any goods or merchandise from bonded warehouse, fifty cents	50	
Gaugers' returns, if for a quantity not exceeding five hundred gallons gross, ten cents	10	
Exceeding five hundred gallons gross, twenty-five cents	25	
INSURANCE, (LIFE.) — Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives —		
When the amount insured shall not exceed one thousand dollars, twenty-five cents	25	
Exceeding one thousand dollars and not exceeding five thousand dollars, fifty cents	50	
Exceeding five thousand dollars, one dollar	1 00	
INSURANCE, (MARINE, INLAND, AND FIRE.) — Each policy of insurance or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description, whether against perils by the sea or by fire, or other peril		

Stamp duties.		Duty. Dolls. cts
	of any kind, made by any insurance company, or its agents, or by any other company or person, the premium upon which does not exceed ten dollars, ten cents	10
	Exceeding ten and not exceeding fifty dollars, twenty-five cents	25
	Exceeding fifty dollars, fifty cents	50
Post, p. 482.	LEASE, agreement, memorandum, or contract for the hire, use, or rent of any land, tenement, or portion thereof, where the rent or rental value is three hundred dollars per annum or less, fifty cents	50
	Where the rent or rental value exceeds the sum of three hundred dollars per annum, for each additional two hundred dollars, or fractional part thereof in excess of three hundred dollars, fifty cents	50
	MANIFEST for custom-house entry or clearance of the cargo of any ship, vessel, or steamer for a foreign port —	
	If the registered tonnage of such ship, vessel, or steamer does not exceed three hundred tons, one dollar	1 00
	Exceeding three hundred tons, and not exceeding six hundred tons, three dollars	3 00
	Exceeding six hundred tons, five dollars	5 00
	MEASURERS' returns, if for a quantity not exceeding one thousand bushels, ten cents	10
	Exceeding one thousand bushels, twenty-five cents	25
	MORTGAGE of lands, estate, or property, real or personal, heritable or movable, whatsoever, where the same shall be made as security for the payment of any definite and certain sum of money lent at the time or previously due and owing or forborne to be paid, being payable ; also any conveyance of any lands, estate, or property whatsoever, in trust, to be sold or otherwise converted into money, which shall be intended only as security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise ; or any personal bond given as security for the payment of any definite or certain sum of money exceeding one hundred dollars, and not exceeding five hundred dollars, fifty cents	50
	Exceeding five hundred dollars, and not exceeding one thousand dollars, one dollar	1 00
	And for every additional five hundred dollars, or fractional part thereof, in excess of one thousand dollars, fifty cents	50
Post, p. 482.	*Provided*, That upon each and every assignment or transfer of a mortgage, lease, or policy of insurance, or the renewal or continuance of any agreement, contract, or charter, by letter or otherwise, a stamp duty shall be required and paid equal to that imposed on the original instrument.	
	PASSAGE TICKET, by any vessel from a port in the United States to a foreign port, not exceeding thirty-five dollars, fifty cents	50
	Exceeding thirty-five dollars and not exceeding fifty dollars, one dollar	1 00
	And for every additional fifty dollars, or fractional part thereof, in excess of fifty dollars, one dollar	1 00
	POWER OF ATTORNEY for the sale or transfer of any stock, bonds, or scrip, or for the collection of any dividends or interest thereon, twenty-five cents	25
	POWER OF ATTORNEY OR PROXY for voting at any election for officers of any incorporated company or society, except religious, charitable, or literary societies, or public cemeteries, ten cents	10
	POWER OF ATTORNEY to receive or collect rent, twenty-five cents	25
	POWER OF ATTORNEY to sell and convey real estate, or to rent or lease the same, one dollar	1 00
	POWER OF ATTORNEY for any other purpose, fifty cents	50
	PROBATE OF WILL, or letters of administration : Where the estate and effects for or in respect of which such probate or letters of administration applied for shall be sworn or declared not to exceed the value of two thousand dollars, one dollar	1 00
	Exceeding two thousand dollars, for every additional thousand dollars, or fractional part thereof, in excess of two thousand dollars, fifty cents	50
	PROTEST. — Upon the protest of every note, bill of exchange, acceptance, check or draft, or any marine protest, whether protested by a notary public or by any other officer who may be authorized by the law of any state or states to make such protest, twenty-five cents	25
Post, p. 482.	Receipts for the payment of any sum of money, or for the payment of any debt due, exceeding twenty dollars, not being for the satisfaction of any mortgage or judgment or decree of any court, and a receipt for the delivery of any property, two cents	2
	Warehouse receipt for property, goods, wares, or merchandise, not otherwise provided for, in any public or private warehouse, when the property or goods so deposited or stored shall not exceed in value five hundred dollars, ten cents	10

	Duty. Dolls. cts.	Stamp duties.
Exceeding in value five hundred dollars and not exceeding one thousand dollars, twenty cents	20	
Exceeding in value one thousand dollars, for every additional one thousand dollars, ten cents	10	
Warehouse receipt for any goods, merchandise, or property of any kind, not otherwise provided for, held on storage in any public or private warehouse or yard, twenty-five cents	25	
Weighers' returns, if for a weight not exceeding five thousand pounds, ten cents	10	
Exceeding five thousand pounds, twenty-five cents	25	
LEGAL DOCUMENTS:		
Writ, or other original process by which any suit is commenced in any court of record, either of law or equity, fifty cents	50	
Where the amount claimed in a writ, issued by a court not of record, is one hundred dollars or over, fifty cents	50	
Upon every confession of judgment, or cognovit, for one hundred dollars or over, (except in those cases where the tax for the writ of a commencement of suit has been paid,) fifty cents	50	
Writs or other process on appeals from justices' courts or other courts of inferior jurisdiction to a court of record, fifty cents	50	
Warrant of distress, when the amount of rent claimed does not exceed one hundred dollars, twenty-five cents	25	
When the amount claimed exceeds one hundred dollars, fifty cents	50	
Provided, That no writ, summons, or other process issued by, and returnable to, a justice of the peace, except as hereinbefore provided, or by any police or municipal court having no larger jurisdiction as to the amount of damages it may render than a justice of the *piece* [peace] in the same state, or issued in any criminal or other suits commenced by the United States, or any state, shall be subject to the payment of stamp duties: *And provided, further*, That the stamp duties imposed by the foregoing schedule B on manifests, bills of lading, and passage-tickets, shall not apply to steamboats or other vessels plying between ports of the United States and ports in British North America.		
Affidavits in suits or legal proceedings shall be exempt from stamp duty.		

SCHEDULE C.

Schedule C.

MEDICINES OR PREPARATIONS.

Medicines or preparations.

For and upon every packet, box, bottle, pot, phial, or other enclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has, or claims to have, any private formula or occult secret or art for the making or preparing the same, or has, or claims to have, any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters-patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows: where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall not exceed, at retail price, or value, the sum of twenty-five cents, one cent	1	
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents	2	
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents	3	
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents	4	
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents	2	

Duty.
Dolls. cts.

Perfumery, &c.

PERFUMERY, COSMETICS, PHOTOGRAPHS, MATCHES, AND CARDS.

For and upon every packet, box, bottle, pot, phial, or other enclosure, containing any essence, extract, toilet water, cosmetic, hair oil, pomade, hair-dressing, hair restorative, hair dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known, or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent 1

Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and shall not exceed the retail price or value of fifty cents, two cents 2

Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents 3

Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents 4

Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents 2

FRICTON MATCHES, or lucifer matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent 1

When in parcels or packages containing more than one hundred and not more than two hundred matches, for each parcel or package, two cents. 2

And for every additional one hundred matches or fractional part thereof, one cent 1

For all cigar-lights and wax tapers, double the rates herein imposed upon friction or lucifer matches: *Provided*, That the stamp duties herein provided for on friction or lucifer matches made in part of wood, or cigar-lights or wax tapers, shall not be imposed until the first day of September, eighteen hundred and sixty-four; but until that time the tax shall be assessed and collected as heretofore, and on and after said first day of September, every package or parcel sold by any person, firm, company, or corporation, shall be stamped as herein required.

PHOTOGRAPHS, ambrotypes, daguerreotypes, or any sun-pictures, except as hereinbefore provided, upon each and every picture of which the retail price shall not exceed twenty-five cents, two cents 2

Exceeding the retail price of twenty-five cents, and not exceeding the sum of fifty cents, three cents 3

Exceeding the retail price of fifty cents, and not exceeding one dollar, five cents 5

Exceeding the retail price of one dollar, for every additional dollar or fractional part thereof, five cents 5

PLAYING-CARDS.—For and upon every pack of whatever number, when the retail price per pack does not exceed eighteen cents, two cents 2

Post, p. 482.

Exceeding the retail price of eighteen cents, and not exceeding twenty-five cents per pack, four cents 4

Exceeding the retail price of twenty-five cents, and not exceeding fifty cents per pack, ten cents 10

Exceeding the retail price of fifty cents, and not exceeding one dollar per pack, fifteen cents 15

Exceeding the retail price of one dollar, for every additional fifty cents, or fractional part thereof, in excess of one dollar, five cents 5

Allowance and drawback.

ALLOWANCE AND DRAWBACK.

SEC. 171. *And be it further enacted*, That from and after the date on which this act takes effect there shall be an allowance or drawback on all articles on which any internal duty or tax shall have been paid, except raw or unmanufactured cotton, refined coal-oil, naphtha, benzine or benzole, distilled spirits, manufactured tobacco, snuff and cigars of all descriptions, equal in amount to the duty or tax paid thereon, and no more, when

Post, p. 482.

exported, the evidence that any such duty or tax has been paid to be furnished to the satisfaction of the commissioner of internal revenue by such person or persons as shall claim the allowance or drawback, and the amount to be ascertained under such regulations as shall, from time to time, be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, and the same shall be paid by the warrant of the Secretary of the Treasury on the treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance or drawback shall be made or had for any amount claimed or due less than ten dollars, anything in this act to the contrary notwithstanding: *And provided, further*, That any certificate of drawback for goods exported, issued in pursuance of the provisions of law, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of duties under this act. And the Secretary of the Treasury may make such regulations with regard to the form of said certificates and the issuing thereof as, in his judgment, may be necessary: *And provided, further*, That in computing the allowance or drawback upon articles manufactured exclusively of cotton, when exported, there shall be allowed, in addition to the five per centum duty which shall have been paid on such articles, a drawback of two cents per pound upon such articles, in all cases where the duty imposed by law upon the cotton used in the manufacture thereof has been previously paid; the amount of said allowance to be ascertained in such manner as may be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury.

Allowance and drawback.

Provisos.

SEC. 172. *And be it further enacted*, That if any person or persons shall fraudulently claim or seek to obtain an allowance or drawback on goods, wares, or merchandise, on which no internal duty shall have been paid, or shall fraudulently claim any greater allowance or drawback than the duty actually paid, as aforesaid, such person or persons shall forfeit triple the amount wrongfully or fraudulently claimed, or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury, to be recovered as in other cases of forfeiture provided for in the general provisions of this act.

Penalty for fraudulently claiming drawback.

SEC. 173. *And be it further enacted*, That the following acts of congress are hereby repealed, to wit: The act of July first, eighteen hundred and sixty-two, entitled "An act to provide internal revenue to support the government and to pay interest on the public debt," except the one hundred and fifteenth and one hundred and nineteenth sections thereof; and excepting, further, all provisions of said act which create the offices of commissioner of internal revenue, assessor, assistant assessor, collector, deputy collector, and inspector, and provide for the appointment and qualification of said officers. Also, the act of July sixteenth, eighteen hundred and sixty-two, entitled "An act to impose an additional duty on sugars produced in the United States." Also, the act of December twenty-fifth, eighteen hundred and sixty-two, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the government and to pay interest on the public debt,' approved July first, eighteen hundred and sixty-two." Also, the act of March third, eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the government and to pay interest on the public debt,' approved July first, eighteen hundred and sixty-two, and for other purposes," excepting the provisions of said act which create the offices of deputy commissioner and cashier of internal duties and revenue agents, and provide for the appointment and qualification of said officers. Also, the twenty-fourth and twenty-fifth sections of the act of July fourteenth, eighteen hundred and sixty-two, entitled "An act increasing temporarily the duties on imports, and for other purposes." Also, the second

Repeal of acts and parts of acts.

1862, ch. 119, Vol. xii. p. 432.

1862, ch. 187, Vol. xii. p. 588.

1863, ch. 4, Vol. xii. p. 632.

1863, ch. 74, Vol. xii. p. 713.

1862, ch. 163, Vol. xii. p. 560.

1863, ch. 76, Vol. xii. p. 739.

section of the act of March third, eighteen hundred and sixty-three, entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," so far as the same applies to officers of internal revenue. And, also, the act of March seventh, eighteen hundred and sixty-four, entitled "An act to increase the internal revenue, and for other purposes," together with all acts and parts of acts inconsistent herewith: *Provided*, That all the provisions of said acts shall be in force for levying and collecting all taxes, duties, and licenses properly assessed or liable to be assessed, or accruing under the provisions of former acts, or drawbacks, the right to which has already accrued, or which may hereafter accrue, under said acts, and for maintaining and continuing liens, fines, penalties, and forfeitures incurred under and by virtue thereof. And for carrying out and completing all proceedings which have been already commenced, or that may be commenced, to enforce such fines, penalties, and forfeitures, or criminal proceedings under said acts, and for the punishment of crimes of which any party shall be or has been found guilty: *And provided, further*, That no office created by the said acts, and continued by this act, shall be vacated by reason of any provisions herein contained, but the officers heretofore appointed shall continue to hold the said offices without reappointment: *And provided, further*, That whenever the duty imposed by any existing law shall cease in consequence of any limitation therein contained before the respective provisions of this act shall take effect, the same duty shall be, and is hereby, continued until such provisions of this act shall take effect; and when any act is hereby repealed, no duty imposed thereby shall be held to cease, in consequence of such repeal, until the respective corresponding provisions of this act shall take effect: *And provided, further*, That all manufactures and productions on which a duty was imposed by either of the acts repealed by this act, which shall be in possession of the manufacturer or producer, or of his agent or agents, on the day when this act takes effect, the duty imposed by any such former act not having been paid, shall be held and deemed to have been manufactured or produced after said date; and whenever by the terms of this act a duty is imposed upon any articles, goods, wares, or merchandise manufactured or produced, upon which no duty was imposed by either of said former acts, it shall apply to such as were manufactured or produced, and not removed from the place of manufacture or production, on the day when this act takes effect: *And provided, further*, That no direct tax whatsoever shall be assessed or collected under this or any other act of congress heretofore passed, until congress shall enact another law requiring such assessment and collection to be made; but this shall not be construed to repeal or postpone the assessment or collection of the first direct tax levied, or which should be levied, under the act entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," approved August fifth, eighteen hundred and sixty-one, nor in any way to affect the legality of said tax or *or* any process or remedy provided in said acts, or any other acts, for the enforcement or collection of the same in any state or states and territories and the District of Columbia; but said first tax, and any such process or remedy, shall continue in all respects in force, anything in this act to the contrary notwithstanding.

1864, ch. 20, *Ante*, p. 14.

Certain provisions to be kept in force.

No office vacated.

Duty by former act continued until, &c.

Manufactures on hand.

No direct tax to be assessed until, &c.

1861, ch. 45, Vol. xii. p. 292.

Regulations of commissioner.

SEC. 174. *And be it further enacted*, That the said commissioner of internal revenue, under the direction of the Secretary of the Treasury, is authorized to make all such regulations, not otherwise provided for, as may become necessary by reason of the alteration of the laws in relation to internal revenue, by virtue of this act.

Section 119 of act 1862, ch. 119, to remain in force. Vol. xii. p. 489.

SEC. 175. *And be it further enacted*, That the one hundred and nineteenth section of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt,"

approved July first, eighteen hundred and sixty-two, shall remain in full force.

Mode, &c., of assessment of certain taxes.

SEC. 176. *And be it further enacted*, That when any tax or duty is imposed by law, and the mode or time of assessment or collection is not therein provided, the same shall be established by regulation of the Secretary of the Treasury.

When duty on cotton is paid, bales to be marked.

SEC. 177. *And be it further enacted*, That every collector to whom any duty upon cotton shall be paid shall mark the bales or other packages upon which the duty shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner, or other person having charge of such cotton, a permit for the removal of the same, stating therein the amount and payment of [the] duty, the time and place of payment, the weight and marks upon the bales and packages, so that the same may be fully identified. Whenever any cotton, the product of the United States, shall arrive at any port of the United States from any state in insurrection against the government, the assessor or assistant assessor shall immediately assess the taxes due thereon, and shall, without delay, return the same to the collector or deputy collector of said district, and the said collector or deputy collector shall demand of the owner or other person having charge of such cotton the tax imposed by this act, and assessed thereon, unless evidence of previous payment of such tax shall be produced, under such regulations as the commissioner of internal revenue, by the direction of the Secretary of the Treasury, shall from time to time prescribe; and in case the tax so assessed shall not be paid to such collector within ten days after demand, the collector or deputy collector, as aforesaid, shall institute proceedings for the recovery of the tax, as hereinbefore provided, which said tax shall be a lien upon said cotton from the time when said assessment shall be made: *Provided*, That all cotton sold by, or on account of, the government of the United States shall be free and exempt from duty at the time of and after the sale thereof, and the same shall be marked free, and the purchaser furnished with such a bill of sale as shall clearly and accurately describe the same, which shall be deemed and taken to be a permit authorizing the sale or removal thereof.

Cotton from states in insurrection.

Cotton sold for the United States to be free of duty.

Foreign consuls to be exempt from income tax, when, &c.

SEC. 178. *And be it further enacted*, That consuls of foreign countries in the United States, who are not citizens thereof, shall be, and hereby are, exempt from any income tax imposed by this act which may be derived from their official emoluments, or from property in such countries: *Provided*, That the governments which such consuls may represent shall extend similar exemption to consuls of the United States.

Collectors to prosecute for recovery of forfeitures.

SEC. 179. *And be it further enacted*, That, where it is not otherwise provided for in this act, it shall be the duty of the collectors, in their respective districts, and they are hereby authorized, to prosecute for the recovery of any sum or sums that may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be imposed or incurred by virtue of this act shall and may be sued for and recovered, where not otherwise herein provided, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any court of competent jurisdiction; and where not otherwise herein provided for, one moiety shall be to the use of the person who, if a collector or deputy collector, shall first inform of the cause, matter, or thing whereby any such fine, penalty, or forfeiture shall have been incurred, and the other moiety to the use of the United States. And the several circuit and district courts of the United States shall have jurisdiction of all offences against any of the provisions of this act committed within their several districts.

Post, p. 483.

What courts have jurisdiction.

SEC. 180. *And be it further enacted*, That if any person liable and

Penalty for selling article liable to tax before tax is paid.

required to pay any tax upon any article, goods, wares, merchandise, or manufactures, as herein provided, shall sell, or cause or allow the same to be sold, before the tax to which such article, goods, wares, merchandise, or manufacture is legally liable, is paid, with intent to avoid such tax, or in fraud of the revenue herein provided, any debt contracted in the sale of such article, goods, wares, merchandise, or manufactures, or any security given therefor, unless the same shall have been bona fide transferred to the hands of an innocent holder, shall be entirely void, and the collection thereof shall not be enforced in any court. And if any such article, goods, wares, merchandise, or manufacture has been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who will sue for the same in an action of debt shall recover of the seller the amount so paid, one half to his own use, and the other half to the use of the United States.

Appropriation for expenses of internal revenue acts.

Sec. 181. *And be it further enacted*, That four hundred thousand dollars, or so much thereof as may be necessary for the payment of the expenses incident to carrying into effect the various acts connected with internal revenue which are or may be authorized and payable after the first of July, eighteen hundred and sixty-four, is hereby appropriated for that purpose, payable out of any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

Collectors to be disbursing agents.

And it shall be the duty of the collectors of internal revenue, as the secretary may direct, to act as disbursing agents to pay the aforesaid expenses, without increased compensation therefor, who shall give good and sufficient bonds for the faithful performance of their duties as such disbursing agents for such sum and in such form as shall be prescribed by the first comptroller of the treasury, subject to the approval of the Secretary of the Treasury: *Provided*, That the aforesaid appropriation shall continue in force to the thirtieth day of June, eighteen hundred and sixty-five, and thereafter the Secretary of the Treasury shall embrace in his annual estimates the amount which, in his opinion, will be required for the expenses of this branch of the public service.

Word "state" to include "territories," and District of Columbia.

Sec. 182. *And be it further enacted*, That wherever the word state is used in this act, it shall be construed to include the territories and the District of Columbia, where such construction is necessary to carry out the provisions of this act.

Approved, June 30, 1864.

June, 30, 1864.

Chap. CLXXIV. — *An Act to regulate Prize Proceedings and the Distribution of Prize Money, and for other Purposes.*

Duty of commander of vessel making captures. Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the commanding officer of any vessel or vessels making a capture to secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and in the condition in which they were found, or explaining the absence of any documents or papers, or any change in their condition.

Witnesses.

He shall send to said court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize.

Prize master and crew.

He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize master and prize crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall

deem most convenient in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to said court, and subject to its order in the cause.

Duty of commander, if captured vessel cannot be sent in.

SEC. 2. *And be it further enacted*, That if any vessel of the United States shall claim to share in the prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is rested, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

If vessels claim to share prize, commander to make a statement.

SEC. 3. *And be it further enacted*, That it shall be the duty of the prize master to make his way diligently to the selected port, and there immediately deliver to a prize commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same and in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney, and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize court.

Duty of prize master.

SEC. 4. *And be it further enacted*, That the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof, and to that end shall see that the proper preparatory evidence is taken by the prize commissioners, and that the prize commissioners also take the depositions de bene esse of the prize crew and other transient persons cognizant of any facts bearing on condemnation or distribution. It shall also be the duty of the district attorney to represent the interests of the United States in all prize causes, and he shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors on a demand for damages. The district attorney shall examine all fees, costs, and expenses, sought to be charged on the prize fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize causes are or may be pending, shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

United States attorney to file libel and procure condemnation;

not to act as counsel for captors, unless, &c.;

to examine fees, costs, &c;

to report quarterly to Secretary of Navy.

SEC. 5. *And be it further enacted*, That any district court may appoint prize commissioners, not exceeding three in number, of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the navy, and who shall protect the interests of the captors and of the Department of the Navy in the prize property, and at least one of the others shall be

Prize commissioners.

a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

Duty of prize commissioners.

SEC. 6. *And be it further enacted*, That the prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master hereinbefore required, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and the witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions de bene esse of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be only in the marshal. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize property; and if the captured vessel, or any of its cargo or stores, are such that, in their judgment, may be useful to the government in war, they shall report the same to the Secretary of the Navy.

Marshal to keep prize property safely, &c.;

SEC. 7. *And be it further enacted*, That the marshal shall safely keep all prize property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize property if, in his judgment, it is for the interest of all concerned. He shall keep in his

to keep witnesses, &c., in custody.

custody all persons found on board a prize and sent in as witnesses, until they are released by the prize commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as he may require it, a full statement of the condition of each prize and of the disposition made thereof.

When prize property may be sold.

SEC. 8. *And be it further enacted*, That, whenever any prize property shall be condemned, or shall at any stage of the proceedings be found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same shall be disproportionate to its value, it shall be the duty of the court to order a sale thereof; and whenever, after the return day on the libel, all the parties in interest who have appeared in the cause shall agree thereto, the court is authorized to make such order, and no appeal shall operate to prevent the making or execu-

Auctioneers.

tion of such order. The Secretary of the Navy shall employ an auctioneer or auctioneers of known skill in the branch of business to which any

Mode of sale.

sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the

marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize commissioner, and the goods shall be open to inspection at least three days before the sale. Sales to be advertised.

SEC. 9. *And be it further enacted*, That in case a decree of condemnation shall be rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share, and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul, or commercial agent of the United States, or notary-public, or any officer of the navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. And said decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one half to the captors, and one half to the United States. Court to decide what vessels shall share in the prize.

SEC. 10. *And be it further enacted*, That the net proceeds of all property condemned as prize shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one half shall be decreed to the United States and the other half to the captors: *Provided*, That, in case of privateers and letters-of-marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. All vessels of the navy within signal distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid if required, shall share in the prize; and in case of vessels not of the navy, none shall be entitled to share except the vessel or vessels making the capture, in which term shall be included vessels present at the capture and rendering actual assistance in the capture. All prize money adjudged to the captors shall be distributed in the following proportions, namely: — Net proceeds of prizes, how to be distributed. What vessels to share. Proportions of shares;

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

Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one fiftieth part of any prize money awarded to a vessel of such division for a capture made while under his command, the said fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors: *Provided*, That such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture. of commander of division of fleet;

Third. To the fleet-captain, one hundredth part of all prize money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel, as is hereinafter provided. of fleet-captain;

Fourth. To the commander of a single ship, one tenth part of all the of commander of single ship;

Shares of prize money.

prize money awarded to the ship under his command, if such ship at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three twentieths if his ship was acting independently of such superior officer.

Residue, how distributed.

Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, (including the fleet-captain,) and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

Certain officers not to receive shares of certain prizes.

No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any ships or vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his said command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached until regularly discharged therefrom.

Bounty for persons on vessels of enemy destroyed by United States vessels.

SEC. 11. *And be it further enacted*, That a bounty shall be paid by the United States for each person on board any ship or vessel-of-war belonging to an enemy at the commencement of an engagement, which shall be sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States, or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the navy of the United States; and there shall be paid as bounty to the captors of any vessel-of-war captured from an enemy, which they may be instructed to destroy, or which shall be immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture. All ransom money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize money, under the direction of the Secretary of the Navy.

Ransom money, salvage, &c., how distributed and paid.

Assignments of prize money, &c. to be void unless, &c.

SEC. 12. *And be it further enacted*, That every assignment of prize or bounty money, or wages, due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster; and in case of any assignment of wages, the same shall specify the precise time when they commence. But the commanding officer of every vessel is required to discourage his crew from selling any part of their prize money or wages, and never to attest any power of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of prize money or wages.

Appeals in prize cases.

When may be claimed.

SEC. 13. *And be it further enacted*, That appeals from the district courts of the United States in prize causes shall be directly to the supreme court, and shall be made within thirty days of the rendering of the decree appealed from, unless the court shall previously have extended the time, for cause shown in the particular case, and the supreme court shall always be open for the entry of such appeals. Such appeals may

be claimed whenever the amount in controversy exceeds two thousand dollars, and, in other cases, on the certificate of the district judge that the adjudication involves a question of general importance. Notwithstanding such appeal, the district court may make and execute all necessary orders for the custody and disposal of the prize property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. Any prize cause now pending in any circuit court shall, on the application of all parties in interest, who have appeared in the cause, be transferred by that court to the supreme court; and such transfer may be made, in the discretion of the court, and on such terms as it may direct, on the application of any party: *Provided*, That if the amount in controversy does not exceed two thousand dollars, such transfer shall not be made unless the court shall certify that the adjudication involves a question of general importance. All appeals to the supreme court from the circuit court in prize causes, now remaining therein, shall be claimed and allowed in the same manner as in cases of appeal from the district court to the supreme court. In any case of appeal or transfer the court below, or the appellate court, may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof.

District court to do certain acts, notwithstanding appeal.

Prize cases in circuit courts may be transferred to supreme court.

Proviso.

Appeals.

SEC. 14. *And be it further enacted*, That all costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize property, when allowed by the court, shall be a charge upon the same, and be paid therefrom, unless the court shall decree restitution free from such charge. No payments shall be made from any prize fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested.

Costs and expenses to be a charge upon the property, unless, &c.

Rules for payments.

SEC. 15. *And be it further enacted*, That the court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

On appeals, security may be required for costs.

SEC. 16. *And be it further enacted*, That the net amount decreed for distribution to the United States, or to vessels of the navy, shall be ordered by the court to be paid into the treasury of the United States, to be distributed according to the decree of the court. And the Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the navy, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one half to the owners and one half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court: *Provided*, That in case of vessels not of the navy, but controlled by any department of the gov-

Net amount for distribution to navy vessels to be paid into treasury.

Credits to Navy Department and others.

Distribution to vessels not of the navy.

Commissioner to distribute.

ernment, the whole amount decreed to the captors shall be divided among the ship's company.

Clerks of district courts to render accounts semi-annually to Secretary of Treasury and Navy;

SEC. 17. *And be it further enacted*, That the clerk of each district court shall render to the Secretary of the Treasury and the Secretary of the Navy a semi-annual statement, beginning with the first day of July next, of all the sums allowed by the court and ordered to be paid, within the previous half year, to the district attorney and prize commissioners for services, and to marshals for fees and commissions; and he shall, in all prize causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. And for the said services he shall be entitled to receive the sum of twenty-five dollars in each prize cause, which shall be in full for the services required by this section.

to keep account of deposits with assistant treasurer.

Fees for service.

Allowances and commissions to marshals.

SEC. 18. *And be it further enacted*, That the marshal shall be allowed his actual and necessary expenses, for the custody, care, preservation, insurance, sale, or other disposal of the prize property, and for executing any order of the court respecting the same, and shall have a commission of one quarter of one per centum on vessels, and of one half of one per centum on all other prize property, calculated on the gross proceeds of each sale; and if, after he shall have had any prize property in his custody, and shall have actually performed labor and incurred responsibility for the care and preservation thereof, the same shall be taken by the United States for its own use without a sale, or if it shall be delivered on stipulation to the claimants, he shall, in case the same shall be condemned, be entitled to one half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

Marshals and clerks not to retain more than maximum compensation. 1853, ch. 80, § 3. Vol. x. p. 165.

SEC. 19. *And be it further enacted*, That neither the marshal nor the clerk shall be permitted to retain for all official services, of every kind, excepting those in prize causes, more than the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth of February, eighteen hundred and fifty-three; nor shall the additional compensation which either of said officers shall be permitted to retain for all services, of every kind, in prize causes, exceed one half the maximum compensation allowed to them, respectively, by the aforesaid act.

Compensation of district attorneys and prize commissioners.

SEC. 20. *And be it further enacted*, That the district attorney and prize commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize cause, to be adjusted and determined by the court, and to be paid as costs in the cause.

District attorney and prize commissioner to render accounts annually.

SEC. 21. *And be it further enacted*, That each district attorney and prize commissioner, except the naval officer, shall render to the Secretary of the Interior an annual account, beginning with the first day of July next, of all sums he shall have received for all services in prize causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars for each year, in addition to the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth February, eighteen hundred and fifty-three, or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize commissioner shall be allowed to retain a sum not exceeding three thousand dollars for each year, which shall be in full for all his official services in prize causes; and

District attorney may retain not over $3000 in addition to maximum. Vol. x. p. 165.

Prize commissioner may retain $3000 a year.

any excess over those respective amounts shall be paid by the officer receiving the same into the treasury of the United States, and shall be credited to the fund for paying naval pensions. Excess to be paid over.

SEC. 22. *And be it further enacted*, That the auctioneers employed to make sales of prize property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on said sum of other prize property, which shall be in full for his expenses, as well as their services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case. Auctioneers' pay, &c.

SEC. 23. *And be it further enacted*, That in any case of capture heretofore made, or that may hereafter be made by vessels of the navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the navy-pension fund; and under the direction of the Secretary of the Navy such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests. The court may allow such compensation as it shall deem just under the circumstances of each case to special counsel for captors, not being the district attorney or any of his assistants, whether appointed by a department of the government or by the captors, for services actually rendered in the cause, to be paid as costs, in whole or in part either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds. Special counsel for captors. Court may allow compensation.

SEC. 24. *And be it further enacted*, That fees of special counsel in prize cases incurred or authorized by any department of the government, or for the defence of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize fund in the particular cause, and audited and allowed by the department incurring or authorizing them, and by the solicitor of the treasury, shall be a charge, upon and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested. Fees of special counsel to be charged to what fund.

SEC. 25. *And be it further enacted*, That whenever the court shall allow fees to any witness in a prize cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in said cause; and any amount not so repaid the marshal shall be allowed as witness fees paid by him in cases in which the United States is a party. Witness fees, how to be paid.

SEC. 26. *And be it further enacted*, That no prize property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if it shall be satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby, a satisfactory appraisement being first made, with an opportunity given to the district attorney and naval prize commissioner to be heard as to the appointment Prize property not to be delivered to claimants on stipulation, &c., unless, &c.

of appraisers. And any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer in the same manner as proceeds of a sale.

If captured vessel, &c., is taken by government before it is in custody of prize court.

SEC. 27. *And be it further enacted*, That whenever any captured vessel, arms, munitions, or other material shall be taken for the use of the government before it comes into the custody of a prize court, it shall be surveyed, appraised, and inventoried by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterwards, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize property heretofore taken for, or appropriated, to the use of the government, or that shall hereafter be so taken or appropriated, the department for whose use it was or shall be taken or appropriated, shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

Proceedings for adjudication how and where to be commenced, if property is not sent in, &c.

SEC. 28. *And be it further enacted*, That in case of any capture heretofore made, or that shall hereafter be made, if, by reason of its condition, or because the whole has been appropriated to the use of the United States, no part of the captured property has been or can be sent in for adjudication, or if the captured property be entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate. And in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the government, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if, in any case of capture, no proceedings for adjudication shall be commenced within a reasonable time, any parties claiming the captured property may, in any district court, as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

When captors may institute proceedings.

Proceedings where captors delay commencing proceedings.

Salvage for recaptures.

SEC. 29. *And be it further enacted*, That when any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case; and if the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the treasury of the United States the salvage, costs, and expenses ordered by the court; and if the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses; and if the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen

Recaptures.

of the United States under like circumstances of recapture; and when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order: *Provided*, That nothing in this act shall be construed to contravene any treaty of the United States. And the whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize.

No part of salvage to go to the United States.

Captured property may be transferred to another district for sale.

SEC. 30. *And be it further enacted*, That if it shall appear to the court, in the case of any prize property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same with proper orders as to the time and manner of selling the same. And it shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending; and the necessary expense attending the insuring, transferring, receiving, keeping, and selling the said property shall be a charge thereupon and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he shall not be repaid from the proceeds, any amount not so repaid he shall be allowed as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or special direction in any cause, require a marshal to transfer any prize property from the district in which the judicial proceedings are pending to any other district for sale, and the same proceedings shall be had as if such transfer had been made by order of the court, as hereinbefore provided.

Wilfully acting with intent to defraud, or delay captor or claimants, &c., how punished.

SEC. 31. *And be it further enacted*, That if any person shall wilfully do any act, or aid, assist, or advise, in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States, or any captor or claimant of such property, he shall, on conviction, be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court.

Term "vessels of the navy" to include what.

SEC. 32. *And be it further enacted*, That in the term "vessels of the navy" shall be included, for the purposes of this act, all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

This act to apply to all captures, &c.;

SEC. 33. *And be it further enacted*, That the provisions of this act shall be applied to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

and to pending proceedings.

SEC. 34. *And be it further enacted*, That this act shall apply to all prize proceedings now pending.

Repeal of acts of 1800, ch. 14. Vol. ii. p. 16.

1813, ch. 13. Vol. ii. p. 792.

1816, ch. 56. Vol. iii. p. 287.

1862, ch. 500. Vol. xii. p. 374.

SEC. 35. *And be it further enacted*, That the act entitled "An act providing for salvage in cases of recapture," approved on the third day of March, in the year eighteen hundred, and the act entitled "An act in addition to the act concerning letters-of-marque, prizes, and prize goods," approved on the twenty-seventh day of January, in the year eighteen hundred and thirteen, and the act entitled "An act in addition to an act entitled an act in relation to the navy pension fund," approved on the sixteenth day of April, eighteen hundred and sixteen, and an act entitled "An act to facilitate judicial proceedings in adjudications upon captured property and for the better administration of the law of prize," approved on the twenty-fifth day of March, eighteen hundred and sixty-two, and

1862, ch. 204, §§ 2, 6, 12.

1863, ch. 86. Vol. xii. p. 759.

the second, sixth, and twelfth sections of an act entitled "An act for the better government of the navy of the United States," approved on the seventeenth day of July, eighteen hundred and sixty-two, and the act entitled "An act further to regulate proceedings in prize cases and to amend various acts of congress in relation thereto," approved on the third day of March, eighteen hundred and sixty-three, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved, June 30, 1864.

June 30, 1864.

Chap. CLXXV. — *An Act to establish certain Post-Roads.*

Certain post-roads established in —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post-roads: —

California,

CALIFORNIA.

From San Buena Ventura, California, via Ravena City, and Big Meadows on the Mohave River, to the sink of said river, and thence to Fort Mohave on the Colorado River, and Fort Whipple, to Santa Fé, New Mexico;

From Keysville, via Walker's Pass, Little Owen Lake, and Big Owen Lake, to Union Mills;

From Red Bluff, via Zelley's Ferry, Battle Creek, Parkville, Millville, and Buckeye, to Shasta;

From Los Angelos to La Paz, and thence to the capital of Arizona Territory, and thence to Santa Fe;

From San Jose, in Santa Clara County, via the mountain road leading into Pajer's Valley, to Watsonville, in Santa Cruz County;

From San Mateo to Pescadero, in Santa Cruz County;

From Aurora to San Carlos;

From Visalia to San Carlos:

From Stockton, via Copperopolis, to Angel's;

From Sonora, California, via Bridgeport, to Aurora, Nevada Territory

From Susanville, in Lassen County, California, to Boise City, in Idaho Territory;

From Campo Seco to Mokelumne Hill;

From Crescent City, California, to Waldo, Oregon;

From San Bernardino, California, to La Paz, Arizona Territory;

From Fulsom City, via Uniontown, to Coloma;

From San Pedro to Wilmington and Los Angelos.

Illinois.

ILLINOIS.

From Elgin, via Burlington, to Sycamore;

From Rock Island, via Camden Mills, Pleasant Ridge, Hazlet, Hamlet, Perryton, Aledo, High Point, New Boston, Keithsburg, Oquawka, Sagetown, Hopper's Mills, Shohoken, Tinappity, Dallas City, Pontoosac, and Appanoose, to Fort Madison, Iowa;

From Luda, Ogle County, to New Milford, Winnebago County;

From Argo, via Morrison road, in the town of York, and Baker's Spring, in the town of Union Grove, to Morrison;

From Hale, Ogle County, to Payne's Point;

From Beaverville, via Donovan, to Iroquois;

From Moro, via Ridgely, to Prairie City;

From Sparta, via Shiloh Hill, to Jones' Creek;

From Grand Ridge Settlement, in the southwest township of Kankakee County, via Norton township, Union Hill, Essex township, Kankakee County, and Reid township, in Will County, to Wilmington in same county;

From Joliet, via Grinton, in Troy township, and Seward, to Platteville, in Kendall County;

Post-roads established in Illinois.

From Clifton, Iroquois County, via L'Erable, (intersecting main road running north and south on east side of Iroquois River,) and Martenton, to Middleport;

From Dupage, via East Wheatland, to Plainfield;

From Aurora, Kane County, via Wheatland, and Tamorack, to Plainfield;

From Naperville, Dupage County, to Copenhagen, in same county;

From Lamont, Cook County, via Dupage, Will County, to Naperville, Dupage County;

From Sycamore, De Kalb County, via Genoa, North Kingston, and Blood's Point, to Belvidere, Boone County;

From Shabbona, De Kalb County, to Malta, in same county;

From Chester to Red Bud;

From Lewistown, Fulton County, to Lincoln, Logan County;

From Carthage, Hancock County, via Charles Abbott's, and John Ruth's, to Dallas City, in Hancock and Henderson Counties;

From Carthage to Fountain Green, in Hancock County;

From Ottowa, via Ford's Comet, Prairie Centre, Ophir Centre, and Triumph, to Mendota.

Indiana.

INDIANA.

From Portland, via College, Antioch, Boundary City, and Pittsburg, to Salem;

From Perryville to State Line City;

From Union City, via New Pittsburg, and Antioch, to Jay Court-House.

Iowa.

IOWA.

From Washington, via North English, Webster, and Coal Creek, in Keokuk County, Union and New Sharon, to Granville, in Mahaska County;

From Vinton to Blairstown, in Benton County;

From Iuka, via Toledo, Wolf Creek, and Buckingham, to Waterloo;

From Lexington, via Washington, to Wassonville;

From Sioux City, Iowa, via Vermillion, and Yancton, in Dakota, Niobraroh, in Nebraska, to Gallatin and Bannock City, in Idaho Territory;

From Waterloo, via Hudson, Grundy Centre, and Vienna, to Marshalltown;

From Mt. Ayr, via Eugene, to Afton;

From Belle Plaine, via West Irving, Waltham, Brush, Grove, and *and* Six Mile Grove, to Waterloo;

From Fredericksburg to New Hampton;

From Marengo, in Iowa County, via Millersburg, North English, and South English, Edom, Scotland, Seventy-six, and Cedarville, to Washington;

From Monticello, via Castle Grove, Prairieburg, Boulder, Waubeck, and Jordan's Grove, to Marion;

From Onawa City, via Arcola, Mapleton, and Morris, to Ida;

From Lewis, via Oakfield, to Exira;

From Big Grove, via Newtown, to Harlan;

From Council Bluff, via Keg Creek, to Harlan;

From Council Bluff, via Keg Creek, Newtown, Harris Grove, and Oakfield, to Hamlin's Grove;

From Ottawa, via Glenn's and Garden Grove, to High Point;

From Indianola, via Oceola, to Leon;

From Decatur City, Iowa, via Princeton, and Trenton, Missouri, to Chillicothe;

From Lewis, via Grant, to Sciola;

Post-roads established in Iowa.

From Anamosa, Jones County, via Highland Grove and Walnut Fork, to Clarence, Cedar County;

From Columbus City, Louisa County, via Downey's Station, West Branch, Cedar Bluffs, and Mechanicsville, to Anamosa, in Jones County;

From State Centre, via Minerva, Illinois Grove, and New Providence, to Eldora;

From Fort Dodge, via Rolfe and Spirit Lake, to Okoboji, Dickinson County;

From Onowa City, Monona County, via Kennebec, Smithland Correctionville, Cherokee, O'Brien, and Peterson, to Spirit Lake, Dickinson County;

From St. Charles, Floyd County, via Belmond, Goldfield and Eagle Grove, Wright County, to Fort Dodge, Webster County;

From Maysville, Franklin County, via Otisville, Wall Lake, and Eagle Grove, Wright County, to Dakota, Humboldt County.

Kansas.

KANSAS.

From Rising Sun, via Arcola, to Grasshopper Falls;

From Junction City, Kansas, to Denver, Colorado;

From Junction City, Kansas, via the Republican River, to Fort Kearney, Nebraska;

From Atchison, via Pardee, Grasshopper Falls, and Mount Florence, to Topeka;

From Leavenworth, via Oakaloosa, Grasshopper Falls, Houlton, Circleville, and Lincoln, to Seneca;

From Lawrence, via Baldwin City and Black Jack, to Paola;

From Junction City, via the Solomon River, to Ayersville;

From Topeka, to the Sax and Fox Agency;

From Lawrence, via Osawatomie, to Fort Scott;

From Leavenworth, via Grasshopper Falls, and Houlton to Fort Riley;

From Lawrence, via Black Jack, and Stanton, to Osawatomie;

From Fort Scott, via Baxter Springs, Toliquet, Fort Gibson, to Fort Smith, Arkansas;

From Lawrence, via Oskaloosa, Grasshopper Falls, Monrovia, and Pardee, to Atchison.

Kentucky.

KENTUCKY.

From Bradfordsville, Marion County, via William T. Weatherford's, on Rush Branch, Powers' Store, and Low's Gate, to Hustonville, Lincoln County.

Maryland.

MARYLAND.

From Salisbury, via Friendship and Dublin, to Newtown;

From Linganore, via Woodville, to Ridgeville;

From Brookville, Montgomery County, via the Union Turnpike road, Silver Spring, and Brightwood, to Washington, District of Columbia.

Michigan.

MICHIGAN.

From Wayne's to Romulus;

From Pere Marquetta, Marva County, to Indian Town;

From Midland to Isabella;

From Big Rapids, Mecorter County, to Hersey Branch;

From Unadilla to Plainfield, in Livingston County;

From Constantine, via Hartt's Corners, Newburg, and Vandalia, to Cassopolis;

From Steven's Landing, Somilac County, via Townships of Worth, Fremont, and Speaker, to Maple Valley, Somilac County.

Post-roads established in

MINNESOTA.

Minnesota.

From Carver, via Waconia, to Watertown;

From Hastings, via Empire City, Farmington, and Lakeville, to Shakopee;

From Faxon, via Glencoe and Koniska, to Hutchinson;

From Jordan, via Lexington and Le Suer Centre, to Cleveland;

From St. Charles, via Saratoga and Troy, to Preston;

From Red Wing, Goodhue County, via Belle Creek, Hader, Norway, Kenyon, and East Prairieville, to Faribault, in Rice County;

From Monticello, Wright County, to Rockford, in same county;

From St. Cloud, Minnesota, via Fort Abercrombie and Bannock City, in the Territory of Idaho, to Fort Walla-Walla;

From Anoka, via Cedar Grove, Bethel, Linwood, Anoka County, and Oxford, North Branch, Isanti County, to Sunrise, Chisago County;

From Waukato, Minnesota, to the Winnebago Agency, Dakota Territory;

From Preston, via Arundahl and Argo, to Enterprise.

MISSOURI.

Missouri.

From Saint Joseph, Missouri, via Rochester, Empire Prairie, and Smithtown, to Mount Ayr, Iowa;

From Saint Catherines, via North Salem and Kiddville, to Unionville.

NEW JERSEY.

New Jersey

From German Valley, Morris County, via Middle Valley and Lower Valley, to High Bridge, Hunterdon County;

From Egg Harbor City, via Green Bank, Lower Bank, and Wading River, to Tuckerton;

From Seaville Station, on the Cape May and Millville Railroad, via Seaville, to Beasley's Point, Cape May County;

NEW YORK.

New York.

From Otisville, via Cuddlebackville, Oaklandville, and Hartwood, to Bellford;

From Port Jervis to Mongaup Valley;

From Chemung, New York, to Saint John's, Pennsylvania;

From Long Lake, via Newcomb, to Minewa;

From Georgetown, Madison County, via West Eaton, to Morrisville;

From Forestville to Kennedy, via Arkwright Summit, Hamlet, Villenova, Cherry Creek, Cedar Creek, and Ellington.

OHIO.

Ohio.

From Gratis to Camden;

From McConnellsville, via Tunnell Ridge and Bloom Hill, to Rural Dale;

From Newcomerstown, to Bakersville;

From Delta, Ohio, via Pancker's Corners, Chase's Corners, Rathbone's Corners, Chaney's Corners, and Bassett's Corners, to Adrian, Michigan;

From Sciota Furnace, via Lyra, Clinton Furnace, and Powellsville, to Kelly's Mills;

From West Union, via Wheat Ridge, to Youngsville;

From Zanesville, via Symmes Creek, to Dresden;

From Litchfield to Grafton;

From South Charleston to South Solon;

From Carrolton, via Davis and Leesville, to Bowerstown;

From Bowerstown, via New Hagerstown, Palermo, and Algonquin, to Carrollton.

Post-roads established in

OREGON.

Oregon.

From Portland, via Taylor's Ferry and Chehalem Gap, to Lafayette;

From Lafayette to Tillamook Valley;

From Dallas City, Oregon, via Canyon City and Independence, to Boise City, Idaho;

From Roseburg to Point Orford;

From Roseburg, via Ten Mile Creek, Camas Valley, Junction of Middle and South Forks of Coquille, Lenharri's Prairie, and Sixes Mines, to Port Orford.

Pennsylvania.

PENNSYLVANIA.

From Elderton, Armstrong County, to Plumville, Indiana County;

From New Geneva, Fayette County, Pennsylvania, to Morgantown, West Virginia;

From Farmington, via Elm, to Dawson;

From Wind Ridge to New Freeport;

From Newport to Liverpool, in Perry County;

From Shirland to Clinton;

From Falls, Wyoming County, via Milltown and Shultzville, to Humphreyville;

From Reading, via Adam's Tavern, Brownsville, Klopp's Store, Hetrich's Host, Wintersville, and Mount Ætna, to Myerstown;

From Mauch Chunk, via Nesquehoning, and Summit Hill, to Tamaqua;

From Trout Run, via Lippincott's Mills, Murray's Run, Wallis' Run, Kelley's Mills, and Plunkett's Creek, to Barbour's Mill;

From the mouth of Cedar Run, via Lower Whetmores, Long Run, and Westfield's, to Elk Run;

From Millport, via Clara, to Oswego;

From Jefferson Station, via Cordorus, to Brodbeck's, in York County;

From Freeport, via State Lick and Melissurdale, to Leisurville;

From Duncannon, via Dellville and Grier's Point, to Keystone;

From West Alexandria to Independence;

From Fall Brook to Canton;

From Broadheadsville to Long Valley;

From Dingman's Ferry, Pennsylvania, to Centreville, New Jersey;

From Centretown, Mercer County, via Clintonville, to Emlenton, Venango County;

From Garland to Eagle;

From Comptonsville, via Franklin's Corners, to Lockport;

From Waterville to English Centre;

From Middletown Centre, in Susquehanna County, to Rushville, in same county;

From Stone Church, Northampton County, via Roxbury, to Mount Bethel, in same county;

From Martin's Creek, Northampton County, via Flickville, Delpsburg, and Roxbury, to Mount Bethel and Will's Ferry, in same county;

From Clay Lick, via Welch Run, to Upton, in Franklin County;

From Franklin, Venango County, via Sunville, to Kingsley Post-Office, Crawford County;

From Brady's Bend, Armstrong County, via Phillipsburg, Clarion County, to Waterson's Ferry, Clarion County.

Vermont.

VERMONT.

From Montpelier, via Worcester, East Elmore, Elmore, and Wolcott, to North Wolcott.

Wisconsin.

WISCONSIN.

From Amherst to Stevens' Point;

Post-roads established in Wisconsin.

From Mazomaine, Dane County, via West Blue Mounds and Moscow, to Green's Prairie, in Green County;
From Tempeleau to Arcadia;
From Mosinee to Marathon City;
From Wausau to Smith's Corner;
From Durand, via Waubeck, Dunnsville, Downsville, Menominee, Cedar Falls, Eighteen-mile Creek, Running Valley, Cook's Valley, and Bloomer Prairie, to Chippewa Falls;
From Epraim to Washington Harbor;
From Barton to Young America;
From Rising Sun, via Freeman and Rush Creek, to De Soto;
From Wausau to Stettin;
From River Falls, in Pierce County, via Beldonville, Ellsworth, and Rush River, to Maiden Rock, in said county, and thence across Lake Pepin to Lake City, in Wabashaw County, Minnesota;
From. Viroqua to Debello, in Vernon County;
From Fort Howard, at the northern terminus of the Northwestern Railroad, to Stiles;
From Fayette to Darlington, in Lafayette County;
From Wausau, Marathon County, to Ontonagon, Michigan;
From Avoca, via Clyde, to Dodgeville, Iowa County;
From Blue River Station, Grant County, to Port Andrew, Richland County;
From Green Bay, Brown County, via Red River and Lincoln, Kewaunee County, to Aknepee, Kewaunee County;
From Potosi to Cassville, Grant County;
From Tafton to Beetown, Grant County.

West Virginia.

WEST VIRGINIA.

From Lost Creek Post-Office, Harrison County, via Rockford and Johnstown, to Peel Tree Post-Office, in Barbour County.

Arizona.

ARIZONA TERRITORY.

From the Pimos Village to the Capitol of Arizona.

Colorado.

COLORADO.

From Denver, Colorado, along the eastern base of the Rocky Mountains, to East Bannock, in Idaho;
From Denver, Colorado, via Panchee Pass and Conejos, to Santa Fé, New Mexico;
From Denver to Bijou Basin;
From Golden City, via Ralston Creek and Boulder City, to Burlington.

Dakota.

DAKOTA.

From Fort Abercrombie, Dakota, to Bannock City, Idaho.

Idaho.

IDAHO.

From Boise City, via Bannock City, Centreville, Pioneer City, and Placerville, to Lewiston;
From Placerville to Fayetteville;
From Boise City to Esmeraldo, in Alturas County;
From Boise City, via Owyhee, to Humboldt, in Nevada Territory.

Nebraska.

NEBRASKA.

From Julesburgh, Nebraska, via Fort Laramie and Deer Creek, to Virginia City, in Idaho;
From Omaha City, by way of the Valley of the Elk Horn, to the Niobrarah River.

NEVADA.

Post-roads established in Nevada.

From Aurora, Nevada, to Keysville, California;
From Onionville to Dun Glen, East Range;
From Virginia City, via Onionville, Star City, to Humboldt.

Utah.

UTAH.

From Fort Bridger, Utah, via Richville, Soda Springs, the Upper Crossing of Snake River and Virginia City, to Hell Gate, in Idaho;

From Fort Bridger, Utah, via Boise City, Idaho, and Grand Ronde Valley, Oregan, to Walla-Walla, Washington Territory;

From Salt Lake City, Utah, via Fillmore City and St. George, to Los Angelos, California;

From Salt Lake City, via E. T. City, Grantsville, Tooele, Shambiss, Cedar Fort, Fairfield, and Goshen, to Payson;

From Salt Lake City, Utah, via Provo City, Salt Creek, Fillmore City, Beaver, Parawan, Cedar City, to St. George;

From Brigham City, via Mendon, Wellsville, Hyrum, Millville, Providence, Logan, Hyde Park, Smithfield, and Richmond, to Franklin;

From Hyrum to Paradise;

From Ogden City to Plain City;

From Ogdon City to Huntsville;

From Great Salt Lake City, via Jordan, to Herriman;

From Rockville to Springdale;

From Salt Creek, via Poule, Rounds, and Holden, to Fillmore;

From Sprigville, via Spanish Fork, Canon Fairview, Mount Pleasant, Springtown, Ephraim, and Manti, to Gunnison;

From Mount Pleasant to Moroni;

From Fountain to Wales;

From Cedar City, via Pinto, Pine Valley, Alger, Banney, and Diamond, to Saint George;

From Beaver to Minersville;

From Fillmore City to Deseret;

From Gunnison to Chicken Creek;

From Great Salt Lake City, via Mountain, Weber, Morgan, Porter, Corydon, Heuneffer, Coalville, Hoytville, Wauship, Peoa, Kansas, Heber, Mound, Midway, and Charleston, to Provo City.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXVI. — *An Act to amend the Charter of the Washington and Georgetown Railroad Company.*

Washington, &c., railroad company may extend their road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown railroad company shall have the right to extend their horse railway on any public highway in the county of Washington, commencing at the present terminus of either of their roads, extending north from Seventh and Fourteenth streets, and from the Capitol square to Maryland Avenue; and extending north from the eastern extremity of that avenue, first having obtained the consent of the levy court therefor; and may charge additional fare of five cents for every three miles on each branch so extended, for each and every passenger conveyed upon any road constructed in said county of Washington, outside of the limits of the cities of Washington and Georgetown: *Provided*, That nothing herein contained shall be construed so as to prevent congress from regulating the fare on either of said roads, or altering or amending the original charter of said company, or this amendment thereto, according to the provisions of said original charter.

Additional fare.

APPROVED, June 30, 1864.

CHAP. CLXXVII. — *An Act to aid in the Settlement, Subsistence, and Support of the Navajoe Indian Captives upon a Reservation in the Territory of New Mexico.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, for the purpose of settling the Navajoe Indians, now captives in New Mexico, upon a reservation upon the Pecos River, in New Mexico, for the purchase of agricultural implements, seeds, and other articles necessary for such purpose, for breaking the ground, and for subsistence of said Indians to the end of the next fiscal year, the sum of one hundred thousand dollars. Appropriation to settle the Navajoe Indians.

SEC. 2. *And be it further enacted*, That the said reservation may, under the direction of the Secretary of the Interior, be so extended and enlarged on the south, as to include the entire valley of the Pecos River, known as the Bosqué Grandé, and that the whole of said reservation, so enlarged, shall be designated and known as the Navajoe and Apache reservation, and as such shall, until otherwise ordered by law, be exempt from sale, and free from all occupancy except by the said Indians for the purposes herein mentioned; excepting such portion of the said land as is now occupied by Fort Sumner, or as may be needed for the use of said post. Reservation may be extended, &c.

SEC. 3. *And be it further enacted*, That the southern Apache agency of New Mexico is hereby abolished, and that an agent for the Kioway, Apache, and Camanche Indians be appointed, at a salary of fifteen hundred dollars per annum. Southern Apache agency abolished, &c.

APPROVED, June 30, 1864.

CHAP. CLXXVIII. — *An Act to carry into Effect a Convention between the United States of America and the United States of Colombia.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of giving effect to a convention signed by the plenipotentiaries of the United States of America and the United States of Colombia, on the tenth of February, eighteen hundred and sixty-four, extending and renewing the provisions of the convention with the republic of New Granada, of tenth September, eighteen hundred and fifty-seven, the first eight sections of the "Act to carry into effect conventions between the United States and the republics of New Granada and Costa Rica," approved February twentieth, eighteen hundred and sixty-one, be, and the same are hereby, renewed, reënacted, and made applicable to the said convention of tenth February, eighteen hundred and sixty-four. Convention between the United States and Colombia to be carried into effect. Vol. xii. p. 985. 1861, ch. 45, §§ 1–8. Vol. xii. p. 145.

APPROVED, June 30, 1864.

CHAP. CLXXIX. — *An Act authorizing the Secretary of the Navy to appoint a Commission to select a Site for a Navy Yard or Naval Station on the Western Waters, and for other Purposes.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized and empowered to appoint a commission consisting of one naval officer, one officer of the engineer corps, and one civilian, to select the most approved site for a navy yard, or naval station, on the Mississippi River, or upon one of its tributaries, and to report to the next session of congress. Commission to select a site for a navy yard on the Mississippi.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXX. — *An Act granting certain Privileges to the "Guardian Society" of the District of Columbia.*

Use of a certain reservation granted to the "Guardian Society."

1862, ch. 125. Vol. xii. p. 499.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the use and occupancy of all that part of reservation numbered seventeen, in the city of Washington, lying west of Second street east, and east of the easterly line of New Jersey avenue in said city, be, and the same is hereby, granted for the period of thirty-three years to the "Guardian Society" of the District of Columbia, a corporation duly established by act of congress, approved July first, eighteen hundred and sixty-two: *Provided*, That the said premises shall be used and occupied exclusively for the proper and legitimate purposes and objects of said Guardian Society: *And provided, further*, That said Guardian Society shall, within three years from and after the approval of this act, expend, in the erection of buildings upon said premises, suitable for a house of industry and a widows' and orphans' home, the sum of twenty thousand dollars, or more, otherwise the said use, as aforesaid, be forfeited to the United States.

Permanent structures, how erected.

SEC. 2. *And be it further enacted*, That all permanent buildings and structures upon said premises shall be erected and made in accordance with plans and specifications approved in writing and subscribed by the commissioner of public buildings.

Rates of expenses to be approved in writing. 1862, ch. 125, § 11. Vol. xii. p. 501.

SEC. 3. *And be it further enacted*, That the rates of expenses which are, or shall hereafter be, adopted by the said "Guardian Society," or the trustees thereof, for the support and maintenance of the several classes of persons described in the eleventh section of their said act of incorporation, shall be approved in writing and subscribed by a majority of the justices of the supreme court of the District of Columbia.

Repealing clause.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXI. — *An Act to authorize the President of the United States to negotiate with certain Indians of Middle Oregon for a Relinquishment of certain Rights secured to them by Treaty.*

Authority and appropriation to negotiate a treaty with Indians of Middle Oregon. Vol. xii. p. 963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to negotiate with the tribes known as the Confederated Indian Tribes of Middle Oregon, for the relinquishment of certain rights guaranteed to them by the first article of the treaty made with them April eighteenth, eighteen hundred and fifty-nine, by which they are permitted to fish, hunt, gather roots and berries, and pasture stock, in common with citizens of the United States, upon the lands and territories of the United States outside their reservations, and to defray the expenses of said treaty, and to pay said Indians for the relinquishment of said rights, that the sum of five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for that purpose.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXII. — *An Act in Relation to the Village of Deposit, Delaware County, New York.*

Village of "Deposit," for postal laws, &c., to be part of Delaware County, N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the village of Deposit, which is situate partly in the county of Delaware and partly in the county of Broome, in the State of New York, shall, for all the purposes of the postal laws and regulations of the United States, and the publication of the laws of the United States, and notices and other publications in pur-

suance of such laws, be regarded as within the [the] county of Delaware aforesaid.

APPROVED, June 30, 1864.

CHAP. CLXXXIII. — *An Act relating to the Compensation of Pension Agents.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid, over and above the compensation now allowed by law, to every pension agent disbursing fifty thousand dollars annually, not exceeding five hundred dollars per annum for clerk-hire, rent of office, and office expenses; and to every agent disbursing one hundred thousand dollars annually, not exceeding seven hundred and fifty dollars per annum; and for every fifty thousand dollars additional, not exceeding two hundred and fifty dollars per annum, for the purposes aforesaid: *Provided*, That in no case shall the amount of compensation to any one agent exceed the sum of four thousand dollars.

Clerk-hire and expenses of pension agents.

Maximum to be $4000.

APPROVED, June 30, 1864.

CHAP. CLXXXIV. — *An Act authorizing a Grant to the State of California of the "Yo-Semite Valley," and of the Land embracing the "Mariposa Big Tree Grove."* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, granted to the State of California the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, in the State aforesaid, and the headwaters of the Merced River, and known as the Yo-Semite valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises. All incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto; the boundaries to be established at the cost of said State by the United States surveyor-general of California, whose official plat, when affirmed by the commissioner of the general land-office, shall constitute the evidence of the locus, extent, and limits of the said Cleft or Gorge; the premises to be managed by the governor of the State with eight other commissioners, to be appointed by the executive of California, and who shall receive no compensation for their services.

The "Yo-Semite Valley" granted to California.

Conditions of grant.

Leases and income therefrom.

Boundaries, how established.

SEC. 2. *And be it further enacted*, That there shall likewise be, and there is hereby, granted to the said State of California the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal sub-divisions of one quarter section each, with the like stipulation as expressed in the first section of this act as to the State's acceptance, with like conditions as in the first section of this act as to inalienability, yet with same lease privilege; the income to be expended in preservation, improvement, and protection of the property; the premises to be managed by commissioners as stipulated in the first section of this act, and to be taken in legal sub-divisions as aforesaid; and the official plat of the United States surveyor-general, when affirmed by the commissioner of the general land-office, to be the evidence of the locus of the said Mariposa Big Tree Grove.

"Mariposa Big Tree Grove" granted to California.

Conditions of grant.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXV. — *An Act authorizing the Issue of Patents for Locations made with Certificates granted under Authority of the Act of Congress, approved March seventeenth, eighteen hundred and sixty-two, allowing Floats in Satisfaction of Lands sold by the United States within the Limits of the Las Ormegas and La Nana Grants in Louisiana.*

Patents may issue for certain locations.

1862, ch. 46. Vol. xii. p. 371.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of all locations made with certificates issued under the act of congress approved seventeenth March, eighteen hundred and sixty-two, "authorizing floats to issue in satisfaction of claims against the United States for lands sold by them within the Las Ormegas and La Nana grants, in the State of Louisiana," it shall and may be lawful for the commissioner of the general land-office to cause patents to issue for such locations, where the same may be found bona fide and satisfactory to the said commissioner.

APPROVED, June 30, 1864.

July 1, 1864.

CHAP. CLXXXIX. — *An Act to facilitate Trade on the Red River of the North.*

Places for loading and unloading cargoes on the Red River of the North to be designated by the President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to designate and establish such points or places upon the Red River of the North as to him shall seem expedient for lading and unlading the cargoes of vessels navigating the said river.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXC. — *An Act to incorporate the "Metropolitan Railroad Company" in the District of Columbia.*

1865, ch. 119. *Post*, p. 536.

Metropolitan Railroad Company incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Franklin Tenney, Matthew G. Emery, Samuel Fowler, John Little, J. C. McKelden, Sayles J. Bowen, John H. Semmes, D. C. Forney, William W. Rapley, William G. Moore, Thomas Lewis, John B. Keasbey, and Charles H. Nichols, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Metropolitan Railroad Company," with authority to construct and lay down a double-track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of A street north and New Jersey avenue, at the north side of the capitol; along the east side of New Jersey avenue to D street north; along D street north, and along C street north and Indiana avenue to the intersection of D street north with Indiana avenue; along Indiana avenue, D street north, and Lousiana avenue to Fifth street west; along Fifth street west to F street north; along F street north to Fourteenth street west; along Fourteenth street west to I street north; along I street north, across Pennsylvania avenue, to the junction of New Hampshire avenue, and Twenty-third street west; thence along New Hampshire avenue to the Circle. Also, a double or single track branch railway, commencing at the intersection of D street north and New Jersey avenue; along New Jersey avenue to Massachusetts avenue; along Massachusetts avenue to H street north; and along H street north to Seventeenth street west, intersecting the double-track road. Also, a double or single track road from the intersection of Fifteenth street west and I street north, connecting with the double-track road at Fifteenth street west; along I street north to New York avenue; along New York avenue to Ninth street west; and along Ninth street west to the Washington canal; with the privilege of extending the said branch road at any time along

Route of road.

Ninth street west to M street north, along M street north to Twelfth street west, and along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River, with the right to run public carriages thereon drawn by horse power, receiving therefor a rate of fare not exceeding five cents a passenger, for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

Motive power.

Proviso.

SEC. 2. *And be it further enacted*, That said road[s] shall be deemed real estate, and they, together with other real property and personal property of said body corporate, shall be liable to taxation, as other real estate and personal property, and to license for their vehicles or cars in the cities aforesaid, except as hereinafter provided; and that all other corporations in the District of Columbia, heretofore organized for like purposes, shall be subject to pay license as provided in this section.

Roads to be real estate, and liable to taxation.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets (excepting New Jersey avenue, and there it shall be laid as hereinbefore provided for,) as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet, nor more than six feet; and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio railroad.

Track to be in centre of street.

SEC. 4. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the city of Washington.

Corporation to keep tracks and portion of street in repair.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the government at any time, at their option, from altering the grade or otherwise improving all avenues and streets occupied by said roads, or the city of Washington from so altering or improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railroad so as to conform to such grade and pavement.

Grade of streets may be altered.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the congress of the United States.

Act may be altered, &c.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

Corporation not to issue note as currency.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall be not less than two, nor more than five, hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property transferable in such manner as the by-laws of said company may direct.

Capital stock.

Shares.

SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every four minutes on the route from the capitol, via the Baltimore and Ohio railroad depot and departments, to the Circle; and on the other routes once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout day and night as much oftener as public convenience may require.

Cars.

SEC. 10. *And be it further enacted*, That said company shall procure

Passenger-rooms, offices, &c.

such passenger-rooms, ticket-offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger-rooms, ticket-offices, stables, and depots above mentioned.

Articles of value left in cars to be cared for.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot, and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Books of subscription to be opened.

SEC. 12. *And be it further enacted*, That within five days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days, unless the whole stock shall be sooner subscribed for, and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened. And subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money: *Provided, further*, That no person shall be allowed to subscribe for more than fifteen thousand dollars. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

Subscribers to be stockholders.

First meeting.

Directors.

Quorum.

Treasurer.

Vacancies.

SEC. 13. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

By-laws.

SEC. 14. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of

the city of Washington: *Provided*, That there shall be no regulation excluding any person from any car on account of color.

Annual meeting.

SEC. 15. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

Company to have free use of roadway.

Penalty for obstructing cars.

SEC. 16. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars to said company, to be recovered and disposed of as other fines and penalties in said cities; and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed.

Road to be completed within what time.

[Time extended. *Post*, p. 426.]

SEC. 17. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the capitol and Seventeenth street west within four months after the company shall have been organized, and the railways on the other routes herein described within one year after the company shall have been organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it.

Repealing clause.

SEC. 18. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

Individual liability of stockholders.

SEC. 19. *And be it further enacted*, That each of the stockholders in the Metropolitan Railroad Company shall be individually liable for all the debts and liabilities of said company to an amount equal to the amount of stock held by such stockholder.

Flagstones and cross walks to be kept clean.

SEC. 20. *And be it further enacted*, That the said railroad company shall keep in good repair and in clean condition the flagstones or cross-walks leading to, upon, and over their tracks at the crossings of the several streets which intersect their railroad, removing therefrom snow and ice, as well as mud, dirt, or other annoyance; and shall further, whenever necessary to render such crossings dry and convenient, raise or elevate the same sufficiently for that purpose; and shall adjust the adjoining pavement, so as to make it convenient for carriages to pass said crossings.

Penalty for not keeping cross-walks, &c., clean.

SEC. 21. *And be it further enacted*, That for each and every violation of the foregoing provisions, the said company shall forfeit and pay a sum not less than five dollars, and not more than one hundred dollars, which may be recovered with costs of suit, on complaint of any person aggrieved, in any court of competent jurisdiction in the District of Columbia. Such action may be prosecuted in the name of the city of Washington, and one half of the penalties recovered shall be for the use of the city of Washington, and the other half for the use of the complainant: *Provided, however*, That any party complainant shall, before such action, file with the clerk of the supreme court of the District of Columbia, a bond to be approved by the clerk of the said court, with at least one surety, to be approved by said clerk, and in a penalty of one hundred dollars, conditioned that the complainant shall well and truly save harmless and indemnify the said city against the payment of all costs and charges which shall be recovered against said city by reason of the failure of the complainant to prosecute or maintain his said complaint.

Proviso.

SEC. 22. *And be it further enacted*, That the said railroad company

Annual report to congress.

shall, by the fifteenth day of January, after the completion of said road, and annually on or before that day thereafter, transmit to congress a full report of the affairs, business, and condition of the said company for the year terminating December thirty-one preceding such report, and such report shall be signed and sworn to by the president and treasurer of the company, or by a majority of the directors, and shall specify the following items: —

Contents of report.

First. Capital stock fixed by charter.

Second. Capital stock subscribed and actually paid in, in cash.

Third. Dividends made to stockholders on the capital stock of the company, and when made.

Fourth. Total capital stock at the termination of the previous year.

Fifth. Funded debt of the company, and in what way secured.

Sixth. Floating debt of the company.

Seventh. Total indebtedness of company exclusive of capital.

Cost of road;

Cost of Road:

Eighth. Total cost of rails, chains, spikes, and other iron used in construction.

Ninth. Total cost of ties, stringers, and other wood or timber used in construction.

Tenth. Cost of paving-stone, gravel, and other material used in construction, not above enumerated.

Eleventh. Cost of labor in the construction of the road.

Twelfth. Cost of engineering and salaries paid to officers and agents of the company, and discount or interest paid on loans.

Thirteenth. Amount expended in repairs of road.

of equipment.

Cost of Equipment:

Fourteenth. Number and cost of cars.

Fifteenth. Number of horses or mules used in the service of the road, and cost.

Sixteenth. Cost of harnesses and other appointments.

Seventeenth. Cost of tools and fixtures, including furniture of offices.

Eighteenth. Cost of real estate and improvements thereon by the company.

Characteristics.

Characteristics:

Nineteenth. Total length of road, measured as single track, including switches and turnouts.

Twentieth. Weight and character of rail.

Twenty-first. Number of passengers carried during the year.

Twenty-second. Average number of passengers per trip.

Income.

Income of Road:

Twenty-third. Total receipts from passengers.

Twenty-fourth. Total receipts from other sources, and what sources.

Expenses of Operation and Maintenance of Road:

Twenty-fifth. Amount of salaries paid to officers of the company.

Twenty-sixth. Amount paid to employees, with the number each of clerks, conductors, drivers, station-keepers, and laborers.

Twenty-seventh. Amount paid for taxes of all kinds, and insurance.

Twenty-eighth. Amount paid for reconstruction of, and repairs to, track, turnouts, and other structures.

Miscellaneous.

Miscellaneous:

Twenty-ninth. Amount of dividends paid during the preceding year, in cash, and dividends in stock to stockholders, and per centage of each.

Thirtieth. Increase of capital stock, if any, during the year.

Thirty-first. Number of persons killed, or seriously injured, on the road during the previous year, and the causes thereof.

Sec. 23. *And be it further enacted*, That it shall be the duty of said company, when said road is completed, to have prepared tickets for pass-

age on their cars, and to keep them at their office for sale by the package of twenty-five, or over, at the rate of twenty-five for the dollar. Package tickets.

APPROVED, July 1, 1864.

CHAP. CXCI. — *An Act to incorporate the Potomac Ferry Company.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry D. Cooke, John B. Hutchinson, H. C. Fahnestock, Thomas Clyde, and William B. Hatch, and their associates and successors, or a majority of them, are hereby created and constituted a body politic and corporate by the name and style of the Potomac Ferry Company. Potomac ferry company incorporated.

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

SEC. 3. *And be it further enacted*, That said company is authorized and empowered to establish and run a line or lines of vessels, propelled by steam or other power, between the cities of Alexandria and Washington, and other ports in the State of Virginia, on the Potomac River, Chesapeake Bay, or the tributaries of the same. Line of vessels between Washington and Alexandria.

SEC. 4. *And be it further enacted*, That said company is also authorized to purchase, hold, and grant such real estate as may be necessary to carry into effect the purposes of this act, and to build all necessary docks, wharves, and buildings thereon for their own use; may transport passengers and freight of every description, subject to the rules and regulations and laws of the United States; may sue and be sued; may have a common seal, and generally may have and possess the rights and privileges usually possessed by similar corporations. Powers and privileges.

SEC. 5. *And be it further enacted*, That the affairs of said company shall be managed by such officers as the stockholders in general meeting shall elect, and such agents as may be appointed by the board of directors. The persons named in the first section of this act, or a majority of them, may call a meeting of the stockholders for the purpose of organizing said company, at such time and place as they may determine upon, after advertising the time and place of such meeting for ten days, in one or more newspapers published in the city of Washington. The officers of said company once elected shall hold their offices until their successors are chosen. Directors and officers. First meeting.

SEC. 6. *And be it further enacted*, That the said board of directors may make all necessary rules and by-laws for the transfer of the stock and the general management of the business of said company; and each stockholder in said company shall be individually liable for all claims against the same at the time such claims accrue. By-laws.

SEC. 7. *And be it further enacted*, That this act shall be enforced from the passage thereof. Act, when to be in force.

SEC. 8. *And be it further enacted*, That congress may at any time hereafter alter, amend, or repeal this act. Act may be altered or repealed.

APPROVED, July 1, 1864.

CHAP. CXCII. — *An Act authorizing the Levy Court of Washington County, in the District of Columbia, to levy and collect its Portion of the Direct Tax imposed by the Act of Congress of August five, eighteen hundred and sixty-one.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the levy court of Washington County, in the District of Columbia, is hereby authorized and empowered to levy and collect, in the same manner as other county taxes in said county of Washington are levied and collected, a sum sufficient to Levy court may levy and collect the direct tax.

1861, ch. 45. Vol. xii. p. 292.

pay the county's proportion of the direct tax imposed on the District of Columbia by the act of congress approved August five, eighteen hundred and sixty-one, and the expense and cost of collecting the same, and that the aggregate of said direct tax imposed by the act aforesaid shall be distributed and apportioned between the cities of Washington and Georgetown, and that part of said county of Washington lying outside the limits of said cities, according to the assessed valuation of property made in the jurisdiction of each by the assessment last prior to the date of the passage of said act of August five, eighteen hundred and sixty-one.

Approved, July 1, 1864.

July 1, 1864.

Chap. CXCIII. — *An Act to authorize the Corporation of Washington to levy and collect the Direct Tax imposed by Act approved August five, eighteen hundred and sixty-one.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation of the city of Washington be, and they are hereby, authorized to assess and collect a tax not exceeding the rate of fifteen cents on every one hundred dollars of the value of all real and personal property in said city, and on any and all other subjects of taxation as made and returned by the board of assessors of said city, to enable the said corporation to pay to the government of the United States the tax imposed by act approved August five, eighteen hundred and sixty-one: *Provided*, That any surplus that may accrue from the imposition of the tax as herein provided shall be deposited and applied to the use of the general fund of the said city of Washington.

City of Washington may assess, &c., a tax to pay the direct tax.

1861, ch. 45. Vol. xii. p. 292. Proviso.

Approved, July 1, 1864.

July 1, 1864.

Chap. CXCIV. — *An Act to expedite the Settlement of Titles to Lands in the State of California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, have caused any private land claim to be surveyed and a plat to be made thereof, he shall give notice that the same has been done by a publication, once a week for four consecutive weeks, in two newspapers, one published in the city of San Francisco, and one published near the land surveyed; and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the commissioner of the general land-office at Washington, for his examination and approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the commissioner of the general land-office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon; and if the survey and plat are approved by the said commissioner he shall indorse thereon a certificate of his approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the

When plats are made of private land claims in California, notice to be given, and surveys, &c., to be open to inspection.

1851, ch. 41. Vol. ix. p. 633.

Copies to be sent to Washington.

Approval or disapproval of commissioner of general land-office.

surveyor-general of California, touching the matters indicated by him, or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the commissioner of the general land-office, it shall be the duty of the said commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Patents when to issue.

SEC. 2. *And be it further enacted*, That the provisions of the preceding section shall apply to all surveys and plats by the surveyor-general of California heretofore made, which have not already been approved by one of the district courts of the United States for California, or by the commissioner of the general land-office: *Provided*, That where proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the said district courts, it shall be lawful for such district court to proceed and complete its examination and determination of the matter, and its decree thereon shall be subject to appeal to the circuit court of the United States for the district in like manner, and with like effect, as hereafter provided for appeals in other cases to the circuit court; and such appeals may be in like manner disposed of by said circuit court.

These provisions applicable to all surveys not approved.

Proviso.

SEC. 3. *And be it further enacted*, That where a plat and survey have already been approved or corrected by one of the district courts of the United States for California, and an appeal from the decree of approval or correction has already been taken to the supreme court of the United States, the said supreme court shall have jurisdiction to hear and determine the appeal. But where from such decree of approval or correction no appeal has been taken to the supreme court, no appeal to that court shall be allowed, but an appeal may be taken, within twelve months after this act shall take effect, to the circuit court of the United States for California, and said circuit court shall proceed to fully determine the matter. The said circuit court shall have power to affirm or reverse or modify the action of the district court, or order the case back to the surveyor-general for a new survey. When the case is ordered back for a new survey, the subsequent survey of the surveyor-general shall be under the supervision of the commissioner of the general land-office, and not of the district or circuit court of the United States.

Appeals from decree of approval of survey and plat to be heard in supreme court.

When appeal may be taken.

New surveys.

SEC. 4. *And be it further enacted*, That whenever the district judge of any one of the district courts of the United States for California is interested in any land, the claim to which, under the said act of March third, eighteen hundred and fifty-one, is pending before him, on appeal from the board of commissioners created by said act, the said district court shall order the case to be transferred to the circuit court of the United States for California, which court shall thereupon take jurisdiction and determine the same. The said district courts may also order a transfer to the said circuit court of any other cases arising under said act, pending before them, affecting the title to lands within the corporate limits of any city or town, and in such cases both the district and circuit judges may sit.

If judge of district court is interested, case to be transferred to circuit court.

Other cases may be transferred.

SEC. 5. *And be it further enacted*, That all the right and title of the United States to the lands within the corporate limits of the city of San Francisco, as defined in the act incorporating said city, passed by the legislature of the State of California, on the fifteenth of April, one thousand eight hundred and fifty-one, are hereby relinquished and granted to the said city and its successors, for the uses and purposes specified in the ordinances of said city, ratified by an act of the legislature of the said state, approved on the eleventh of March, eighteen hundred and fifty-eight, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there

Rights of the United States to lands in San Francisco relinquished.

Certain lands devoted to public uses excepted.

being excepted from this relinquishment and grant all sites or other parcels of lands which have been, or now are, occupied by the United States for military, naval, or other public uses, or such other sites or parcels as may hereafter be designated by the President of the United States, within one year after the rendition to the general land-office, by the surveyor-general, of an approved plat of the exterior limits of San Francisco, as recognized in this section, in connection with the lines of the public surveys: *And provided*, That the relinquishment and grant by this act shall in no manner interfere with or prejudice any bona fide claims of others, whether asserted adversely under rights derived from Spain, Mexico, or the laws of the United States, nor preclude a judicial examination and adjustment thereof.

Relinquishment not to affect private rights.

Confirmed private land claims to be surveyed. Proviso.

Sec. 6. *And be it further enacted*, That it shall be the duty of the surveyor-general of California to cause all the private land claims finally confirmed to be accurately surveyed and plats thereof to be made, whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit in the district court of the district within which the land is situated a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act. Whenever the survey and plat requested shall have been completed and forwarded to the commissioner of the general land-office, as required by this act, the district court may direct the application of the money deposited, or so much thereof as may be necessary, to the payment of the expenses of said survey and publication.

Surveys to follow decree.

Sec. 7. *And be it further enacted*, That it shall be the duty of the surveyor-general of California, in making surveys of the private land claims finally confirmed, to follow the decree of confirmation as closely as practicable whenever such decree designates the specific boundaries of the claim. But when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in a compact form. And if the character of the land, or intervening grants, be such as to render the location impracticable in one tract, then each separate location shall be made, as near as practicable, in a compact form. And it shall be the duty of the commissioner of the general land-office to require a substantial compliance with the directions of this section before approving any survey and plat forwarded to him.

Separate locations.

Repeal of act of 1860, ch. 128, Vol. xii. p. 33.

Sec. 8. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act to define and regulate the jurisdiction of the district courts of the United States in California, in regard to the survey and location of confirmed private land claims,'" approved June fourteen, eighteen hundred and sixty, and all provisions of law inconsistent with this act, are hereby repealed.

Approved, July 1, 1864.

July 1, 1864.

Chap. CXCV. — *An Act for the Sale of a Lot of Land in Iowa, in the Fort Crawford Reservation.*

A lot of land in Iowa to be sold.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for the commissioner of the general land-office to cause to be sold, after public notice, the tract described as lot numbered one, in township ninety-five north, of range three west of the fifth principal meridian, in the State of Iowa, situated in what is known as the Fort Crawford military reservation, subject to such minimum price per acre as the said commissioner may establish as fair and reasonable, not less than two dollars and fifty cents per acre; and in the event of said lot not being disposed of at public sale, the commissioner is hereby authorized to reoffer the same at public sale, or after the second offering to dispose of said lot at such minimum as

he may establish, and for the sale so made a patent shall issue as in ordinary cases.

Other lots may be sold.

SEC. 2. *And be it further enacted*, That if it shall appear that there are any other lots in said reserve not disposed of by the United States, it shall and may be lawful for the said commissioner to dispose of the same in the manner provided in the foregoing section.

APPROVED, July 1, 1864.

CHAP. CXCVI. — *An Act to regulate the Compensation of Registers and Receivers of the Land Offices in the several States and Territories, in the Location of Lands by States and Corporations under Grants from Congress.* July 1, 1864.

Fees of registers and receivers of land-offices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, in the location of lands by states and corporations under grants from congress for railroads and other purposes, (except for agricultural colleges,) the registers and receivers of the land-offices of the several states and territories, in the districts where such lands may be located, for their services therein, shall be entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the state or corporation making such location, the same to be accounted for in the same manner as fees and commissions on warrants and preëmption locations, with limitations as to maximums of salary prescribed by existing laws, in accordance with such instructions as shall be given by the commissioner of the general land-office.

Burlington and Missouri River R. R. may change its location.

SEC. 2. *And be it further enacted*, That the Burlington and Missouri River railroad company may so far change or modify the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious route to the terminus of said line on the Missouri River, said new line to be located within the limits of the land grant made by the United States to aid in its construction; and said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act.

Post, pp. 528, 573.

APPROVED, July 1, 1864.

CHAP. CXCVII. — *An Act to establish Salaries for Postmasters, and for other Purposes.* July 1, 1864.

Postmasters to be paid salaries. Five classes, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual compensation of postmasters shall be at a fixed salary, in lieu of commissions, to be divided into five classes, exclusive of the postmaster of the city of New York.

Salary of those of 1st class;

Postmasters of the first class shall receive not more than four thousand dollars, nor less than three thousand dollars;

of 2d class;

postmasters of the second class shall receive less than three thousand dollars and not less than two thousand dollars;

of 3d class;

postmasters of the third class shall receive less than two thousand dollars and not less than one thousand dollars;

of 4th class;

postmasters of the fourth class shall receive less than one thousand dollars and not less than one hundred dollars;

of 5th class.

postmasters of the fifth class shall receive less than one hundred dollars.

Postmaster of New York.

The compensation of the postmaster of New York shall be six thousand dollars per annum, to take effect on the first day of July, eighteen hundred and sixty-four; and the compensation of postmasters of the several classes aforesaid shall be established by the Postmaster-General under the rules hereinafter provided.

What offices to be rated as 1st class.

Whenever the compensation of postmasters of the several offices, (except the office of New York,) for the two consecutive years next preceding the first day of July, eighteen hundred and sixty-four, shall have amounted to an average annual sum not less than three thousand dollars, such offices

What offices to be rated as 2d class; shall be assigned to the first class; whenever it shall have amounted to less than three thousand dollars, but not less than two thousand dollars, such offices shall be assigned to the second class; whenever it shall have amounted to less than two thousand dollars, but not less than one thousand

3d class; dollars, such offices shall be assigned to the third class; whenever it shall have amounted to less than one thousand dollars, but not less than one

4th class; hundred dollars, such offices shall be assigned to the fourth class; and whenever it shall have amounted to less than one hundred dollars, such

5th class. offices shall be assigned to the fifth class. To offices of the first, second,

Salaries of several classes. and third classes shall be severally assigned salaries, in even hundreds of dollars, as nearly as practicable in amount the same as, but not exceeding, the average compensation of the postmasters thereof for the two years next preceding; and to offices of the fourth class shall be assigned severally salaries, in even tens of dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding; and to offices of the fifth class shall be severally assigned salaries, in even dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two

Estimates of certain offices. years next preceding. Wherever returns showing the average of annual compensation of postmasters for the two years next preceding the first day of July, eighteen hundred and sixty-four, shall not have been received at the Post-Office Department at the time of adjustment, the same may be estimated by the Postmaster-General for the purpose of adjusting the salaries of postmasters herein provided for. And it shall be the duty of the auditor of the treasury for the Post-Office Department, to obtain from postmasters their quarterly accounts with the vouchers necessary to a correct adjustment thereof, and to report to the Postmaster-General all failures of postmasters to render such returns within a proper period after the close of each quarter.

Salaries to be readjusted every two years. SEC. 2. *And be it further enacted*, That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the auditor for the Post-Office Department.

Salaries, when to take effect. SEC. 3. *And be it further enacted*, That salaries of the first, second, and third classes shall be adjusted to take effect on the first day of July, eighteen hundred and sixty-four, and of the fourth and fifth classes at the same time, or at the commencement of a quarter as early as practicable thereafter.

Salaries at offices not established for two years. SEC. 4. *And be it further enacted*, That, at offices which have not been established for two years prior to the first day of July, eighteen hundred and sixty-four, the salary may be adjusted upon a satisfactory return by the postmaster of the receipts, expenditures, and business of his office:

Proviso. *Provided*, That fifty per centum of the gross revenue of such office shall be, in all cases, the largest amount allowed to such postmasters for their salaries, respectively, except in cases where it shall be a separating or distributing office, as provided for in the sixth section of this act.

Allowance for office-rent, clerks, &c. SEC. 5. *And be it further enacted*, That at the post-office of New York and offices of the first and second classes, the Postmaster-General shall allow to the postmaster a just and reasonable sum for the necessary cost, in whole or in part, of rent, fuel, lights, and clerks, to be adjusted upon a satisfactory exhibit of the facts. And at offices of the third, fourth, and

1865, ch. 89, § 3. *Post*, p. 505. fifth classes, such expenses shall be paid by the postmaster, except as in the sixth section provided; it being intended that such allowances shall be made in accordance with existing usages.

SEC. 6. *And be it further enacted*, That the Postmaster-General may

designate certain convenient offices, at the intersection of mail routes, as distributing offices, and certain others as separating offices; and where any such office is of the third, fourth, or fifth class of post-offices, he may make a reasonable allowance to such postmaster for the necessary cost, in whole or in part, of clerical services arising from such duties. Distributing offices.

SEC. 7. *And be it further enacted*, That all postages and box-rents at post-offices, and all other receipts and emoluments at a post-office, shall be received and accounted for as a part of the postal revenues; and any part thereof which the postmaster ought to have collected, but has neglected to collect, shall be charged against him in his account, and he shall be liable therefor in the same manner as if the same had been collected; and he shall receive no fees or perquisites beyond his salary. Postages and box-rents to be part of postal revenues.

SEC. 8. *And be it further enacted*, That the uniform rate of United States postage, without reference to distance, upon letters and other mailable matter addressed to, or received from, foreign countries, when forwarded from, or received in, the United States by steamships or other vessels regularly employed in the transportation of the mails, shall be as follows, viz: ten cents per single rate of half an ounce or under, on letters; two cents each on newspapers; and the established domestic rates on pamphlets, periodicals, and other articles of printed matter; which postage shall be prepaid on matter sent, and collected on matter received: *Provided, always*, That these rates shall not apply to letters or other mailable matter, addressed to, or received from, any foreign place or country, to and from which different rates of postage have been, or shall be, established by international postal convention or arrangement already concluded or hereafter to be made. Rates of foreign postage. Proviso.

SEC. 9. *And be it further enacted*, That the Postmaster-General is authorized to sell, or cause to be sold, to individuals, corporations, and business firms, postage-stamps, in quantities of not less than one hundred dollars in value, at a discount not exceeding five per centum from the face value of such stamps, and to sell, or cause to be sold, stamped envelopes, in packages containing not less than five hundred envelopes, at a discount not exceeding five per centum from the current prices thereof when sold in less quantities. Postage-stamps may be sold at discount. Stamped envelopes.

SEC. 10. *And be it further enacted*, That the twenty-eighth section of the act entitled "An act to amend the laws relating to the Post-Office Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by the addition of the following clause, namely: And when any letter bearing a request for its return to the writer, in case of its non-delivery, shall have been so returned to the office at which it was originally mailed, then, and in that case, it shall be obligatory upon the person to whom such letter has been returned, to receive the same, and to pay therefor the postage specified by this section; and in default of said writer to receive and pay for the letter so returned, he shall be subject to a penalty of ten dollars, to be recovered in any court of competent jurisdiction. Amendment of act 1863, ch. 71, § 28, Vol. xii. p. 706. Letters requested to be returned to be received, and postage paid. Penalty.

SEC. 11. *And be it further enacted*, That if any person, not authorized by the Postmaster-General, shall set up or profess to keep any office, or any place of business bearing the sign, name, or title of post-office, every such person shall forfeit and pay the sum of five hundred dollars for every such offence. Penalty for setting up or keeping post-office;

SEC. 12. *And be it further enacted*, That if any person employed in any of the departments of the post-office establishment shall unlawfully detain, delay, or open, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered for unlawfully detaining or opening letters, &c.

through or from any post-office or branch-post office established by authority of the Postmaster-General of the United States; [or] if any such person shall secrete, embezzle, or destroy, any letter or packet intrusted to such person as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not less than three hundred dollars, or imprisoned not less than six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters, with which he or she shall be intrusted, or which shall have come to his or her possession, and are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered through or from any post-office or branch post-office established by authority of the Postmaster-General of the United States, such letter, packet, bag, or mail of letters, containing any note, bond, draft, check, revenue stamp, postage-stamp, money order, certificate of stock, or other pecuniary obligation, or government security of any description whatever, issued, or that may hereafter be issued, by the United States, or by any officer or fiscal agent thereof, any bank note or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to, payment of moneys, or any bond, or warrant, draft, bill, or promissory note, covenant, contract, or agreement, whatsoever, for, or relating to, the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance, or discharge of, or from, any debt, covenant, or demand, or any part thereof, or any copy of any record of any judgment, or decree, in any court of law, or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; or if any such person, employed as aforesaid, shall steal, or take, any of the same out of any letter, packet, bag, or mail of letters, that shall come to his or her possession, whether such letter or packet, bag, or mail of letters, shall have come or been placed in his or her possession to be forwarded or delivered in the regular course of his or her official duties, or shall have come or been placed in his or her possession in any other manner, and provided that such letter or packet, bag or mail of letters, shall not have been delivered to the person or persons to whom it is directed, such person shall, on conviction for any such offence, be imprisoned not less than ten years, nor exceeding twenty-one years; and the fact that any such letter or packet, bag or mail of letters, shall have been deposited in any post-office or branch post-office established by authority of the Postmaster-General of the United States, or in any other authorized depository of mail letters, or in charge of any postmaster, assistant postmaster, clerk, carrier, agent, or messenger employed in the post-office establishment of the United States, shall be taken and held as evidence that the same was "intended to be conveyed by post" within the meaning of this statute; and if any person who shall have taken charge of the mails of the United States shall voluntarily quit or desert the same before such person delivers it into the post-office kept at the termination of the route, or some known mail-carrier, or agent of the general post-office, authorized to receive the same, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence; and if any person concerned in carrying the mail of the United States shall collect, receive, or carry any letter, or packet, or shall

Penalty for secreting or destroying letters not containing valuables;

containing valuables;

for taking valuables out of letters, &c.;

upon mail-carrier for deserting mails.

cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars. — Section twenty-one, Act of March three, eighteen hundred and twenty-five. 1825, ch. 64, § 21, Vol. iv. p. 107.

SEC. 13. *And be it further enacted*, That dead letters containing valuable enclosures shall be registered in the department; and when it appears that they can neither be delivered to their address nor to the writers, the contents thereof, so far as available, shall be used to promote the efficiency of the dead-letter office, according to the provisions of the seventh section of act approved February twenty-seventh, eighteen hundred and sixty-one, entitled "An act to establish certain post routes;" and the amount thereof shall be shown in the annual report, and shall be subject to reclamation by either the party addressed or by the sender for four years from registry thereof, careful account being kept of the same. All other letters deemed of value or of importance to the party addressed, or to the writer, and which it appears cannot be returned to either destination, shall be disposed of as the Postmaster-General shall direct. Dead letters with valuable enclosures, &c. 1861, ch. 57, § 7. Vol. xii. p. 168.

SEC. 14. *And be it further enacted*, That letter-carriers shall be employed at such post-offices as the Postmaster-General shall direct for the delivery of letters in the places respectively where such post-offices are established; and for their services they shall severally receive a salary to be prescribed by the Postmaster-General, not exceeding eight hundred dollars per year: *Provided*, That, on satisfactory evidence of their diligence, fidelity, and experience as carriers, the Postmaster-General may increase their respective salaries from time to time, to any sum not exceeding one thousand dollars; and each of the said carriers shall give bond, with sureties, to be approved by the Postmaster-General, for the safe custody and delivery of all letters, packets, and moneys received by him. Letter-carriers. Salaries.

SEC. 15. *And be it further enacted*, That all expenses for the letter carriers, branch-offices, and receiving-boxes, or incident thereto, shall be entered and reported in a separate account from the ordinary postal expenses of such post-office, and shall be shown in comparison with the proceeds of the postages on local mail matter at each office, in order that the Postmaster-General may be guided in the expenditures for that branch of the postal service by income derived therefrom. Expenses of letter-carriers, branch-offices, &c., to be entered in separate account.

SEC. 16. *And be it further enacted*, That the eighth, eleventh, fourteenth, seventeenth, and eighteenth sections of the act entitled "An act to amend the laws relating to the Post Office-Department," approved March three, eighteen hundred and sixty-three, the provisions of which have been modified and incorporated in this act, be, and the same are hereby, repealed. Repeal of act of 1863, ch. 71, §§ 8, 11, 14, 17, 18. Vol. xii. p. 701. See ch. 241. *Post*, p. 382.

SEC. 17. *And be it further enacted*, That the special agent of the Post-Office Department in the Pacific states and territories shall receive as compensation five dollars per diem. Pay of special agent in Pacific States, &c. *Post*, p. 505.

APPROVED, July 1, 1864.

CHAP. CXCVIII. — *An Act making an additional Grant of Lands to the State of Kansas to aid in the Construction of Railroad and Telegraph Lines.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, via Council Grove, to a point near Fort Riley, on the branch Union Pacific Railroad, in said state, every alternate section of land designated by odd numbers for ten sections in width on each side of said road: *Provided*, That this grant shall be subject to all the provisions, restrictions, limitations, and conditions, in regard to selection and location of lands and otherwise, of an act of congress approved March three, eighteen hundred and sixty-three, entitled "An Lands granted to Kansas for railroads and telegraphs. Grant subject to conditions. 1863, ch. 98. Vol. xii. p. 772.

Railroad to be a public highway.

act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said state": *Provided*, That said railroad shall be a public highway and shall transport troops and munitions of war of the United States free of charge.

Route of a certain railroad and telegraph changed.

SEC. 2. *And be it further enacted*, That the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fee railroad, where said road intersects the Neosho River," to aid in the construction of which a grant of lands was made by the said act of third of March, eighteen hundred and sixty-three, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by said act: *Provided*, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the state in the direction of Galveston Bay, shall run via Baldwin city.

Proviso.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCIX. — *An Act to encourage and facilitate Telegraphic Communication between the Eastern and Western Continents.*

Preamble.

WHEREAS the governments of Russia and Great Britain have granted to Perry MacDonough Collins, a citizen of the United States, the right to construct and maintain a line of electric telegraph through their respective territories, from the mouth of the Amoor River, in Asiatic Russia, by way of Behring's strait and along the Pacific coast to the northern boundary of the United States, with a view of thereby uniting the telegraphic systems of both continents, and of promoting international and commercial intercourse; and whereas, the government of Russia, in furtherance of that object, is now constructing a line of telegraph through its Asiatic territory to unite at the mouth of the Amoor River with the line projected by said Collins; and whereas the government of the United States desires cordially to coöperate with Russia and Great Britain in the establishment and maintenance of such a line of communication; now, therefore —

Perry MacD. Collins and associates may construct lines of telegraph to boundaries of British America. 1860, ch. 137. Vol. xii. p. 41.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Perry MacDonough Collins, of California, his associates and assignees, shall have the right to construct and maintain a line or lines of telegraph from any point or points on the line of the Pacific telegraph, constructed in pursuance of the act of congress, approved June sixteen, eighteen hundred and sixty, northerly, through any of the territories of the United States, to the boundaries of British America, with such branch lines as may be needed to open communication with the various mining districts and other settlements in said territories. And for the purposes aforesaid, the said Collins, his associates and assignees, shall have a permanent right of way over any unappropriated public lands of the United States, together with the right to take any timber and stone for construction purposes; and for the purpose of establishing and maintaining said lines and the stations necessary for the repair and working thereof, there is hereby granted to said parties the use of so much unappropriated public lands not sold, granted, reserved, preëmpted, nor occupied by homestead settlers, as may be necessary for stations, not exceeding forty acres for each fifteen miles of line constructed across the public lands of the United States, so long as the same may be used for said purpose: *Provided, however*, that so much of section one of this act as authorizes the construction of telegraph lines to open communications with the various mining districts and other settlements in said territories, shall be null and void, unless said branch-lines shall be completed within five years from the approval hereof.

Right of way over public lands.

Grant of lands for stations.

Proviso.

Secretary of Navy may detail vessel to aid in laying telegraph.

SEC. 2. *And be it further enacted*, That in order to encourage and aid the construction of said line of telegraph beyond the limits of the United States, the Secretary of the Navy is authorized to detail for the use of the surveys and soundings along that portion of the Pacific coast both of America and Asia, where it is proposed to establish said telegraph, one steam or sailing vessel, in his discretion, to assist in surveys and soundings, laying down submerged cable, and in transporting materials connected therewith, and generally afford such assistance as may be deemed best calculated to secure a successful promotion of the enterprise.

Government to have priority in use of lines.

SEC. 3. *And be it further enacted*, That the government of the United States shall, at all times, have priority in the use of the line or lines, so far as the same are within its territory, and shall have the right, when authorized by law, to connect said line or lines by telegraph with any military posts of the United States, and to use the same for government purposes. And in order to secure the same from injury by savages or other evil-disposed persons, to the interruption of the public business, the Secretary of War is authorized to direct the commanders of the military districts or stations, and other officers, acting under authority of the United States in the territories traversed by said telegraph, to use any available force at their command to protect the same. Subject to the right of prior use by the government, as aforesaid, said line or lines shall be at all times open to the public and to any other telegraph company upon the payment of the regular charges for transmission of despatches, and all despatches received shall be transmitted over said line and lines in the order of their reception at the telegraphic office; and the answers to said despatches shall be delivered to such parties as may be directed by the sender.

Security from injury by savages.

Lines to be open to public.

Act may be altered, &c.

SEC. 4. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare, by facilitating international and commercial intercourse between the eastern and western continents in the construction of said telegraph, and keeping the same in working order, and to secure to the government at all times, but particularly in time of war, the use and benefits of the same for diplomatic, naval, military, postal, commercial, and other purposes, congress may, at any time, add to, alter, amend, or repeal this act.

Rate of charges for messages.

SEC. 5. *And be it further enacted*, That the rate of charges for public or private messages shall not exceed on said line the average usual rates in Europe and America for the same service, or such rates as shall be ascertained and fixed by a convention between the United States, Russia, and Great Britain: *Provided*, That it shall not be lawful for the owners or officers of said telegraph line to make any contract, either directly or through any intervening party or parties, for the transmission of despatches for any newspaper or newspaper association, upon terms different from those open to the enjoyment of all other newspapers or newspaper associations.

Despatches for newspapers, &c., to be same for all.

APPROVED, July 1, 1864.

July 1, 1864.

1864, ch. 30. *Ante*, p. 26.

CHAP. CC. — *An Act repealing so much of "An Act to supply Deficiencies in the Appropriations for the Service of the Fiscal Year ending the thirtieth of June, eighteen hundred and sixty-four, and for other Purposes," approved March fourteen, eighteen hundred and sixty-four, as appropriates twenty-five thousand Dollars for erecting a Naval Hospital at Kittery, Maine.*

Repeal of authority to erect a naval hospital at Kittery, Me.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved, March fourteen, eighteen hundred and sixty-four, as appropriates "for erecting naval hospital at Kittery, Maine, twenty-five thousand dollars," be, and the same is hereby, repealed.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCI. — *An Act to provide for the Efficiency of the Navy.*

Persons in military service, how transferred to naval service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person enlisted in the military service of the United States, who shall apply to the Navy Department to be transferred to the navy or marine corps shall, if his application be approved by the President of the United States, be transferred to the navy or marine corps to serve the residue of his term of enlistment therein, subject to the laws and regulations for the government of the navy: *Provided*, That such transfer shall not release the transferred person from any indebtedness to the government, nor, without the consent of the President of the United States, from any penalty incurred for a breach of military law.

Proviso.

Seamen, &c., drafted into military service may be transferred to naval service.

SEC. 2. *And be it further enacted*, That any seaman or mariner, or person who may have served as such, drafted into the military service, may, by order of the President of the United States, be transferred to the naval service, to serve therein, subject to the laws and regulations for the government of the navy, for the term, or residue of the term, for which he was drafted.

Enlistments into navy or marine corps, how credited.

SEC. 3. *And be it further enacted*, That all enlistments into the naval service or marine corps during the present war shall be credited to the appropriate township, precinct, or district, in the same manner as enlistments for the army.

Persons enlisting into navy or marine corps to receive same bounty as if enlisting in army.

SEC. 4. *And be it further enacted*, That persons hereafter enlisted into the naval service or marine corps during the present war shall be entitled to receive the same bounty as if enlisted in the army. And the resolution approved February twenty-four, eighteen hundred and sixty-four, entitled "A resolution relative to the transfer of persons in the military service to the naval service," is hereby repealed: *Provided, nevertheless*, That such sums as may have been paid as bounty to persons transferred from the military to the naval service or marine corps shall be charged to, and paid out of, the proper naval appropriation, or appropriation for the marine corps.

Repeal of resolution.

Pub. Res. No. 15.

Post, p. 402.

Proviso.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCII. — *An Act to establish Portland, in the State of Oregon, and Leavenworth, in the State of Kansas, Ports of Delivery.*

Portland and Leavenworth made ports of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Portland, in the State of Oregon, and within the collection district of Oregon, and Leavenworth, in the State of Kansas, and within the collection district of Mississippi, be, and hereby are, declared to be ports of delivery within their respective collection districts. And there shall be appointed a surveyor of customs, to reside at each of said ports, who shall perform the duties and receive the compensation and emoluments prescribed in the act of congress approved March the second, eighteen hundred and thirty-one, being "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places."

Surveyors authorized.

1831, ch. 87. Vol. iv. p. 480.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCIII. — *An Act to compensate the Officers and Crew of the iron-clad Gunboat Essex for the Destruction of the rebel Ram Arkansas.*

Appropriation to pay the officers, &c., of the Essex, the bounty for destroying the Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Navy to pay to the officers and crew of the iron-clad gunboat Essex, for the destruction of the rebel ram Arkansas, the bounty provided

by the fourth section of the act entitled "An act for the better government of the navy of the United States," approved July seventeen, eighteen hundred and sixty-two. 1862, ch. 204, § 4. Vol. xii. p. 606.

APPROVED, July 1, 1864.

CHAP. CCIV. — *An Act prescribing the Punishment for enticing or aiding Seamen to desert the Naval Service of the United States.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall entice or procure, or attempt or endeavor to entice or procure any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in any wise aid or assist any such seaman or other person in deserting, or in attempting to desert from said naval service, or who shall harbor, conceal, protect, or in any wise assist any such seaman or other person who may have deserted from said naval service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction. Penalty for enticing, &c., persons in the naval service to desert.

APPROVED, July 1, 1864.

CHAP. CCV. — *An Act for the Disposal of Coal Lands and of Town Property in the Public Domain.* July 1, 1864.

1865, ch. 107. *Post*, p. 529.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any tracts embracing coal-beds or coal-fields, constituting portions of the public domain, and which, as "mines," are excluded from the preëmption act of eighteen hundred and forty-one, and which under past legislation are not liable to ordinary private entry, it shall and may be lawful for the President to cause such tracts, in suitable legal subdivisions, to be offered at public sale to the highest bidder, after public notice of not less than three months, at a minimum price of twenty dollars per acre; and any lands not thus disposed of shall thereafter be liable to private entry at said minimum. Disposal of coal lands and town property. 1841, ch. 16. Vol. v. p. 453.

SEC. 2. *And be it further enacted*, That in any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it shall and may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal sub-division, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; the said map and statement to be verified under oath by the party acting for, and in behalf, of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the general land-office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the general land-office, it shall and may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the Town or city sites in public lands.

City and town lots.

highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale, shall thereafter be liable to private entry at said minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property: *Provided*, That any actual settler upon any one lot, as aforesaid, and upon any additional lot in which he may have substantial improvements, shall be entitled to prove up and purchase the same as a preëmption, at said minimum, at any time before the day fixed for the public sale.

Actual settlers.

When established upon unsurveyed lands, extension limits how adjusted.

Sec. 3. *And be it further enacted*, That when such cities or towns are established upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

Patents to issue.

If maps, &c., are not filed in twelve months, surveys, &c., may be made, and lots disposed of.

Sec. 4. *And be it further enacted*, That if within twelve months from the establishment of a city or town, as aforesaid, in the public domain, the parties interested shall refuse or fail to file in the general land-office transcript map with the statement and testimony called for by the provisions of the second section of this act, it shall and may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by said provisions, with this exception, that they shall each be at an increase of fifty per centum on the aforesaid minimum of ten dollars per lot.

Regulations to carry act into effect.

Repeal of act of 1844, ch. 17. Vol. v. p. 657.

Sec. 5. *And be it further enacted*, That effect shall be given to the foregoing act, according to such regulations as may be prescribed by the Secretary of the Interior. The act entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-three, anno Domini eighteen hundred and forty-four, and all other acts and parts of acts inconsistent with this act, be, and the same are hereby, repealed.

Approved, July 1, 1864.

July 2, 1864.

Chap. CCIX. — *An Act to repeal the Act of the seventeenth of June, eighteen hundred and sixty-four, prohibiting the Sales of Gold and Foreign Exchange.*

Repeal of act prohibiting certain sales of gold. 1864, ch. 127. *Ante*, p. 132.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act entitled "An act to prohibit certain sales of gold and foreign exchange," approved June seventeen, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCX. — *An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending the Thirtieth of June, eighteen hundred and sixty-five, and for other Purposes.*

Civil expenses appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth June, eighteen hundred and sixty-five, viz.:—

Coast-survey.

Survey of the Coast. — For the survey of the Atlantic and Gulf coasts of the United States, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the navy employed in the work, one hundred and seventy-eight thousand dollars.

Coast survey.

For continuing the survey of the western coast of the United States, including compensation of civilians engaged in the work, one hundred thousand dollars.

For continuing the survey of the Florida reefs and keys, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the navy employed in the work, eleven thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, including compensation of civilians employed in the work, four thousand dollars.

For repairs of steamers and sailing schooners used in the coast-survey, four thousand dollars.

For pay and rations of engineers for four steamers used in the hydrography of the coast survey, no longer supplied by the Navy Department, nine thousand dollars.

Light-house establishment.

Light-house Establishment. — For the Atlantic, Gulf, and Lake coasts, viz: —

For supplying the light-houses and beacon-lights with oil, wicks, glass chimneys, and other necessary expenses of the same, and repairing and keeping in repair the lighting apparatus, one hundred and fifty-six thousand and eighty-seven dollars.

For repairs and incidental expenses, refitting and improving light-houses and buildings connected therewith, one hundred and two thousand two hundred dollars.

For salaries of five hundred and eighty-nine keepers of light-houses and lighted beacons, and their assistants, two hundred and thirteen thousand one hundred and ninety-three dollars and thirty-three cents.

For salaries of forty-three keepers of light-vessels, twenty-three thousand nine hundred dollars.

For seamen's wages, repairs, supplies, and incidental expenses of forty-three light-vessels, one hundred and eighty-two thousand three hundred and two dollars.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of beacons and buoys, and for chains and sinkers for the same, one hundred and twelve thousand three hundred and fifty dollars.

For expenses of visiting and inspecting lights and other aids to navigation, two thousand dollars.

1851, ch. 32. Vol. ix. p. 608.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to act third March, eighteen hundred and fifty-one, on the amount that may be or may have been disbursed by them, ten thousand dollars:

To enable the light-house board to reëstablish lights and other aids to navigation, which have been injured or destroyed, on the southern coast, one hundred thousand dollars.

For completing the light-house works at Milwaukie, in addition to former appropriations, twelve thousand two hundred and eighty-seven dollars and twenty-six cents.

For completeing the light-house works at Racine, in addition to former appropriations, twenty-one thousand three hundred and thirty-five dollars and twenty-eight cents.

For the erection of a light-house on Point Peninsula, between Big and Little Bays de Noguet, in the State of Michigan, fifteen thousand dollars.

For beacon-light on Land Point, on the west side of Little Bay de Noguet, in the State of Michigan, five thousand dollars.

For beacon-light at the mouth of Fox River, in the State of Wisconsin, five thousand dollars.

For removing and reconstructing *becon* [beacon] light on *Capen* [Cape] Henlopen, Delaware, seventeen thousand five hundred dollars.

Light-house establishment.

For erecting a light-house on Cape Arago, State of Oregon, fifteen thousand dollars.

For additional aids to navigation to facilitate the entrance to Portland, Maine, by suitably marking Alden's Rock and Bulwark Shoal, or otherwise, twenty thousand dollars, or so much thereof as may be found necessary.

Light-houses, &c., on the coasts of California, Oregon, and Washington.

For the Coasts of California, Oregon, and Washington. — For supplying twenty light-houses and beacon-lights with oil, glass chimneys, chamois skins, polishing powder, and other cleaning materials, transportation, expenses of keeping lamps and machinery in repair, and publishing notices to mariners of changes of aids to navigation, twenty-one thousand seven hundred and eighty dollars.

For repairs and incidental expenses of twenty light-houses and buildings connected therewith, ten thousand dollars.

For salaries of forty keepers and assistant keepers of light-houses, at an average not exceeding eight hundred dollars per annum, thirty-two thousand dollars.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of floating buoys and beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys, ten thousand dollars.

Special works.

For special works, viz: —

For repairing breakwater, and rebuilding keeper's dwelling at Newport harbor light-house, Rhode Island, six thousand dollars.

For repairs and rennovations at Block Island light-house, Rhode Island, three thousand five hundred dollars.

For compensation of two inspectors of customs acting as superintendents for the life-saving stations on the coasts of Long Island and New Jersey, three thousand dollars.

For compensation of fifty-four keepers of stations, at two hundred dollars each, ten thousand eight hundred dollars.

For repairs of the roof of the court-house and post-office at Windsor, Vermont, ten thousand dollars, or so much thereof as may be necessary.

For construction and repair of light-boats, to be expended under the direction of the Secretary of the Treasury, one hundred and fifty thousand dollars.

Public buildings and grounds.

Public Buildings and Grounds. — For care, support, and medical and surgical treatment of forty transient paupers, medical and surgical patients in some proper medical institution in the city of Washington, to be selected by the commissioner of public buildings, six thousand dollars.

For hire of carts on the public grounds, two thousand dollars.

For purchase and repair of tools used in the public grounds, four hundred dollars.

To pay for ashes purchased by the public gardener three years ago for the public grounds, one hundred and twenty-five dollars.

For purchase of trees and tree-boxes, to replace, when necessary, such as have been planted by the United States, to whitewash tree-boxes and fences, and to repair pavements in front of the public grounds, three thousand dollars.

For annual repairs of the capitol, water-closets, public stables, water-pipes, pavements, and other walks within the Capitol Square, broken glass, and locks, and for the protection of the building, and keeping the main approaches to it unencumbered, eight thousand dollars.

To change Tiber Creek, where it runs through the botanic garden, into a sewer, ten thousand one hundred and fifty dollars, to be expended under the direction of the commissioner of public buildings.

To enable the commissioner of public buildings to reconstruct five of the old *burt-out* [burnt-out] furnaces now under the old portion of the capitol, five thousand dollars.

President's house, &c.

For annual repairs of the President's house and furniture, improvement of grounds, purchase of plants for garden, and contingent expenses incident thereto, six thousand dollars.

For fuel, in part, of the President's house, two thousand four hundred dollars.

For repairs, refitting, and furnishing the President's summer residence at the Soldiers' Home, three thousand dollars.

Lighting capitol and public grounds.

For lighting the capitol and President's house, the public grounds around them, and around the executive offices, and Pennsylvania avenue, Bridge and High streets in Georgetown, Four-and-a-Half street, Seventh and Twelfth streets across the mall, and Maryland avenue west, and Sixth street south, sixty-three thousand five hundred dollars.

Bridges, avenues, &c.

For repairs of the Potomac and upper bridges, six thousand dollars.

For repairs of Pennsylvania avenue, and aiding in keeping it clean and free from dust, six thousand dollars.

For public reservation number two and Lafayette Square, two thousand dollars.

For taking care of the grounds south of the President's house, continuing the improvement of the same, and replacing trees destroyed, repairing fences, and other injuries, five thousand dollars.

For repairs of water-pipes, five hundred dollars.

For cleaning out the sewer-traps on Pennsylvania avenue, and repairing the same, three hundred dollars.

For casual repairs of all the furnaces under the capitol, five hundred dollars.

For deficiency in tiling the floor of the library of congress, one thousand two hundred dollars.

Marble floor in old hall of the House of Representatives.

Structures, &c., for statuary.

SEC. 2. *And be it further enacted*, That a marble floor, similar to that of the congressional library or the Senate vestibule, shall be constructed in the old hall of the House of Representatives, using such marble as may be now on hand and not otherwise required, and that suitable structures and railings shall be therein erected for the reception and protection of statuary, and the same shall be under the supervision and direction of the commissioner of public buildings; and so much of the moneys now or heretofore appropriated for the capitol extension as may be necessary, not exceeding the sum of fifteen thousand dollars, is hereby set apart and shall be disbursed for the *porses* [purposes] hereinbefore mentioned. And the President is hereby authorized to invite each and all the states to provide and furnish statues, in marble or bronze, not exceeding two in number for each state, of deceased persons who have been citizens thereof, and illustrious for their historic renown or from distinguished civic or military services, such as each state shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the House of Representatives, in the capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated.

States to be invited to furnish statues.

Iron panel in ceiling of library of congress.

To reimburse the commissioner of public buildings for money expended in replacing one of the iron panels in the ceiling of the library of congress, and to enable the commissioner to secure all the panels by fastening them with iron shackles to the roof, five hundred dollars.

For repairs of the basement of the President's house, three thousand dollars.

Water-pipes to President's house.

To enable the commissioner of public buildings to remove the water-pipes which conduct the water from the spring at Franklin Square to the President's house, rendered necessary by the grading around the treasury extension, and to lay them down in another place, five hundred dollars.

Enclosing Franklin Square.

To enable the commissioner of public buildings to enclose Franklin Square with a wooden fence, and to guard the same and plant it with trees and shrubbery, three thousand dollars.

Armory Sqnare, &c.

For repairing fence around Armory Square, five hundred and thirty-three dollars.

For painting the iron railing around the capitol grounds, fifteen hundred dollars.

For cleaning and painting the crypt and passages under the rotundo, two thousand dollars.

To pay expenses incurred by the commissioner of public buildings in enlarging bench in supreme court room, one thousand two hundred and fourteen dollars.

For repairs of navy-yard bridge, twenty-five thousand dollars.

For balance due the draughtsman for his services in charge and continuation of the series of maps ordered by resolution of the fourth May, eighteen hundred and forty-eight, for part of the fiscal year ending in eighteen hundred and sixty-two, fifteen hundred and twenty dollars and thirty-eight cents.

For repairs to the bridge across the Potomac River at Little Falls, two hundred and fifty dollars.

Accommodations for State Department.

To enable the Secretary of the Treasury to provide temporary accommodations for the State Department, and for such of the clerks of the second auditor of the treasury as cannot be accommodated in Winder's building, ten thousand dollars.

Jail in the District in Columbia. Salary of warden.

Jail of the District of Columbia. — For salary of warden of the jail in the District of Columbia, from February twenty-ninth to thirtieth of June, eighteen hundred and sixty-four, at the rate of sixteen hundred dollars per annum, five hundred and forty dollars and sixty-five cents.

Smithsonian Institute.

Smithsonian Institute. — For the preservation of the collections of the exploring and surveying expeditions of the government, four thousand dollars.

Government hospital for the insane.

Government Hospital for the Insane. — For the support, clothing, and medical treatment of the insane of the army and navy and the revenue-cutter service, and of the District of Columbia, at the government hospital for the insane in said district, including five hundred dollars for books, stationery, and incidental expenses, sixty thousand five hundred dollars.

For finishing, furnishing, heating, and lighting additional accommodations in the east wing, five thousand dollars.

For continuation of the wall enclosing the grounds of the hospital, ten thousand dollars.

For iron coping of the battlement of the hospital edifice, two thousand five hundred dollars.

Secretary of the Navy to reserve part of pay of officer in insane hospital.

The Secretary of the Navy is hereby authorized and required to set apart from the pay of any officer of the navy, or of the marine corps, who may be under treatment by his order in the government hospital for the insane, such a portion of the monthly pay of said officer as may be needed for his personal use and comfort in addition to the ordinary re-

Superintendent to recommend the amount.

sources of that establishment. The superintendent of the government hospital for the insane shall recommend the portion of the pay of such officer of the navy, or of the marine corps, that shall be set apart in the manner and for the purpose hereinbefore described, but the Secretary of the Navy may, in his discretion, increase or reduce the sum so recommended to be set apart. The said sum set apart for the per-

Portion set apart to be paid to superintendent.

sonal benefit of any officer of the navy, or of the marine corps, under treatment in the government hospital for the insane, by order of the Secretary of the Navy, shall be paid to the said superintendent of that institution, by the paymaster having charge of the said officer's accounts; and the receipt of said superintendent for the sum which he is authorized by the Secretary of the Navy to draw from the said paymaster shall be equivalent to the receipt of the legal guardian of said officer, or to that of the officer himself. The said superintendent shall disburse the money thus set apart and drawn by him, and he shall

account for it in quarterly statements to the fourth auditor of the treasury.

Botanic Garden. — For grading, draining, procuring manure, tools, fuel, and repairs, purchasing trees and shrubs under the direction of the library committee of congress, three thousand three hundred dollars. Botanic garden.

For pay of superintendent of botanic garden, and assistants in the botanic garden and green-houses, to be expended under the direction of the library committee of congress, six thousand one hundred and forty-five dollars and eighty cents.

Columbian Institution for the Deaf and Dumb and Blind. — For salaries and incidental expenses, embracing, in addition to the objects heretofore provided for in this appropriation, the salary of an additional teacher, construction of a new sewer, and the construction and repairs of fences, seven thousand five hundred dollars. Institution for the deaf, dumb, and blind.

For continuing the work for the accommodation of the students and inmates in said institution, in addition to the appropriations heretofore made, viz: for the purchase of a tract of improved land, containing about thirteen acres, bordering on Boundary street of the city of Washington, and adjoining the lot now belonging to the institution, to enable it to instruct the male pupils in horticulture and agriculture, and to furnish sites for mechanic shops and other necessary buildings, twenty-six thousand dollars: *Provided*, That before the purchase of the said thirteen acres is consummated, the owner shall complete the title in fee to the premises now held and occupied by said institution, by executing a release or conveyance of the remainders and reversions now outstanding in him to the said institution. Purchase of land. Proviso.

To bring the Potomac water into the institution from the nearest water mains, or other adequate sources in the city, three thousand two hundred dollars. Potomac water.

Patent-Office. — For expenses of receiving, arranging, and taking care of copyright books, charts, and other copyright matter, one thousand eight hundred dollars. Patent office.

For preparing illustrations and descriptions for report, six thousand dollars.

Survey of the Public Lands. — For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, Nebraska, Utah, Dakota, Colorado, Nevada, Arizona, Idaho, and Montana,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts, according to the exigencies of the public service, in addition to the unexpended balances of all former appropriations for the same objects, fifty thousand dollars. Survey of public lands.

For surveying the public lands in California and Nevada, fifty thousand dollars.

For surveying the public lands in Oregon, twenty thousand dollars.

For surveying the public lands in Washington Territory, twenty thousand dollars.

For surveying the public lands in the Territory of Colorado, twenty thousand dollars.

For surveying the public lands in Kansas and Nebraska, fifty thousand dollars.

For surveying the public lands in the Territory of Dakota, five thousand dollars.

For the survey of a military road from Sioux City, Iowa, to Fort Randall, Dakota Territory, and from Niobrara, Nebraska Territory, to Fort Randall, and to bridge the Dakota and Vermillion Rivers and other streams, fifteen thousand dollars.

For surveying the public lands in New Mexico, ten thousand dollars.

For surveying the public lands in the Territory of Arizona, ten thousand dollars.

For surveying the public lands in the Territory of Idaho, ten thousand dollars.

For surveying the public lands in the Territory of Montana, ten thousand dollars.

Miscellaneous. Vol. x. p. 1089.

Miscellaneous. — For *carring* [carrying] on the work of the commission appointed under the first article of the reciprocity treaty with Great Britain, eight thousand dollars.

Capitol extension.

For continuing the work on the capitol extension, three hundred thousand dollars.

Patent-office building.

For finishing the patent-office building, seventy-five thousand dollars.

To enable the commissioner of agriculture to pay a debt incurred by the commissioner of patents in preparing the agricultural report for eighteen hundred and sixty-one, and transferred to the account of the agricultural department in pursuance of an opinion of the Attorney-General of September eighteenth, eighteen hundred and sixty-two, three thousand seven hundred and four dollars and five cents.

To restore the salary of the chief messenger in the department of agriculture to nine hundred dollars per annum, at which it is fixed, three hundred dollars.

Telegraph between the Atlantic and Pacific.

For the annual subsidy for facilitating communication between the Atlantic and Pacific states by electrical telegraph, forty thousand dollars.

Treasury extension.

For the continuation of the north wing of the treasury extension, five hundred thousand dollars.

Treasury building.

For furniture for treasury building, twenty-five thousand dollars.

Vaults.

For the construction of vaults, as an additional security to the public funds in United States depositories, thirty thousand dollars.

Repair, &c., of custom-houses.

For the repair and preservation of custom-houses, marine-hospitals, and other public buildings under the supervision of the Treasury Department, forty thousand dollars.

Custom-house at Portland, Me.

For the purpose of building a new custom-house at Portland, Maine, on the site owned by the United States, fifty thousand dollars.

Furniture and repairs of public buildings.

For furniture and repairs of furniture of the various public buildings under the supervision of the Treasury Department, fifteen thousand dollars.

Heating apparatus.

For heating apparatus for the east front and centre wing of the treasury building, in addition to available appropriations, twelve thousand five hundred and thirty-seven dollars and sixty-seven cents.

Plates, paper, &c., for circulating notes.

For plates, paper, and special dies, and the printing of circulating notes, and expenses necessarily incurred in procuring said notes, including miscellaneous items, four hundred and forty-one thousand two hundred and fifty dollars.

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, ten thousand dollars.

Messengers to bring electoral votes.

For the payment of messengers of the respective states for conveying to the seat of government the votes of the electors of said states for President and Vice-President of the United States, twenty thousand dollars.

For stationery for the Treasury Department, forty-five thousand dollars.

Biennial Register. 1861, ch. 44. Vol. xii. p. 141.

For compiling and supervising the Biennial Register, per act of March second, eighteen hundred and sixty-one, five hundred dollars.

Branch mint at San Francisco.

To supply a deficiency in the appropriation for the branch-mint at San Francisco for the year ending thirtieth of June, eighteen hundred and sixty-four, seventy-one thousand three hundred and eleven dollars and ten cents.

Indian hostilities in Minnesota.

To supply a deficiency in the appropriation for the costs, charges, and expenses properly incurred by the State of Minnesota in suppressing Indian hostilities in the year eighteen hundred and sixty-two, the sum of

one hundred and seventeen thousand dollars: *Provided*, That only so much of said sum shall be paid the State of Minnesota as is allowed by the proper accounting officers *unter* [under] the twenty-second section of the act approved March third, eighteen hundred and sixty-three, entitled "An act making appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen *eighteen* hundred and sixty-four, and for the year ending thirtieth of June, eighteen hundred and sixty-three, and for other purposes."

Proviso.
1863, ch. 210, § 22, vol. xii. p. 754.

Montana. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars.

Territory of Montana.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

To enable the joint library committee to purchase a collection of early American maps and plans, chiefly manuscript originals illustrative of the French war, and the war of the Revolution, for deposit in the library of congress, one thousand dollars.

American maps, &c., for library of congress.

For plans and detailed drawings for proposed changes in the capitol wings to secure improvement in the ventilation, heating, and acoustics of the halls of congress, the sum of fifteen hundred dollars, or so much thereof as may be necessary; the said outlay to be authorized and approved by the joint select committee of the two houses upon the ventilation, &c., of said halls, and to be paid out of the aforesaid appropriation for the capitol extension.

Plans for capitol wings, ventilating, &c.

For additional clerical force in the office of the assistant treasurer at Philadelphia, four thousand five hundred dollars.

Assistant treasurer at Philadelphia.

SEC. 3. *And be it further enacted*, That the sum of one hundred thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of meeting any expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, or other securities of the United States, as well as the coin of the United States: *Provided*, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to, or interested in, the issue tried.

Detection of counterfeiting U. S. notes, &c.
Proviso.
Witnesses.
Post, p. 533.

SEC. 4. *And be it further enacted*, That the compensation of the clerk to the committee of ways and means shall be twenty-one hundred and sixty dollars per annum to commence with the present session of congress; and such sum as may be found necessary to pay the same be, and is hereby, appropriated.

Pay of clerk to committee of ways and means.

To compensate persons on board the U. S. gunboat "Cincinnati," in accordance with the joint resolution, approved *February* [April] nineteenth, eighteen hundred and sixty-four, seven thousand two hundred dollars.

Pay of persons on board U. S. gunboat Cincinnati.
Pub. Res., No. 24.

For compensation of stamp-clerk in the office of the assistant treasurer at San Francisco, two thousand four hundred dollars, or so much thereof as may be necessary.

Post, p. 404.

For compensation to clerks and extra clerk-hire, in addition to that already appropriated, in the office of the Secretary of the Treasury, one hundred thousand dollars.

Clerks, &c., in office of Secretary of Treasury;

For payment to Messers. Little, Brown & Co., for three hundred and ninety-five copies of the 10th and 11th volumes each of the Statutes at Large, at three dollars and fifty cents per volume, delivered by order of the Secretary of the Interior, dated February twenty-first, eighteen hundred and sixty-three, two thousand seven hundred and sixty-five dollars.

Little, Brown, & Co., for 10th and 11th vols. of Statutes at Large.

For payment of salaries for additional clerks in the Navy Department, for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, nine thousand and eight hundred dollars.

Salaries of additional clerks in Navy Department.

Digest of election cases.

For compensation to the clerk of the committee of elections for preparing for publication a continuation of the digest of election cases, to be expended under the direction of said committee, the sum of one thousand dollars, or so much thereof as in the opinion of said committee shall be necessary therefor.

To supply a deficiency in the appropriation for miscellaneous items for the Senate for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, fifteen thousand seven hundred and thirty dollars.

For deficiency for the Congressional Globe for the present session, twenty-five thousand and sixty-five dollars and twelve cents.

Vaults, &c., in custom-house at Philadelphia. 1863, ch. 79, § 11. Vol. xii. p. 752.

SEC. 5. *And be it further enacted*, That in addition to the sum of ten thousand dollars, appropriated by the eleventh section of the act of March three, eighteen hundred and sixty-three, for the construction of vaults and the fitting up of offices in the custom-house building at Philadelphia, for the accommodation of the assistant treasurer of the United States at that city, there is hereby appropriated, payable out of any moneys in the treasury not otherwise appropriated, the sum of forty thousand dollars, to be expended under the direction of the Secretary of the Treasury, for the object provided for in said section, and in such alterations of said buildings as may be required to adapt the same to the receipt, custody, and disbursement of the public money by the assistant treasurer aforesaid, as well as to the convenient accommodation therein of the officers of the customs at the port of Philadelphia.

Pay of district attorneys, marshals, &c., for services in suppression of slave-trade; judges and arbitrators, &c. 1862, ch. 140, Vol. xii. p. 531.

SEC. 6. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to expend during the fiscal year ending the thirtieth day of June, eighteen hundred and sixty-five, so much of the appropriation of second March, eighteen hundred and sixty-one, as he may deem expedient and proper, not exceeding in the whole ten thousand dollars, for compensation to United States marshals, district attorneys, and other persons employed in enforcing the laws for the suppression of the African slave-trade, for any services they may render, and for which no allowance is otherwise provided by law; and also, so much of said appropriation as may be necessary to pay the salaries of the judges and arbitrators appointed by him pursuant to the act of congress, approved July eleven, eighteen hundred and sixty-two, entitled "An act to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave-trade," and for the expenses of the mixed courts of justice provided for by said treaty.

Repeal of 1862, ch. 54, § 11. Vol. xii. p. 378.

1862, ch. 182, § 1. Vol. xii. p. 582.

SEC. 7. *And be it further enacted*, That section eleven of an act entitled "An act for the release of certain persons held to service or labor in the District of Columbia," approved April sixteen, eighteen hundred and sixty-two, and also that part of the first section of an act entitled "An act making supplemental appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-three, and for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes," approved July sixteen, eighteen hundred and sixty-two, which reads as follows "To enable the President to carry out the act of congress for the emancipation of the slaves in the District of Columbia, and to colonize thoses to be made free by the probable passage of a confiscation bill, five hundred thousand dollars, to be repaid to the treasury out of confiscated property, to be used at the discretion of the President in securing the right of colonization of said persons made free, and in payment of the necessary expenses of their removal," be, and the same are hereby, repealed: *Provided, however*, That this section shall not be construed so as to interfere with any expenditure that may have been incurred by carrying into effect the parts of acts above repealed, or any expenditure necessary to fulfil existing engagements in relation thereto.

Proviso.

Surgeon-general's district in New Mexico,

SEC. 8. *And be it further enacted*, That, until otherwise directed by law, the Territory of New Mexico, and the Territory of Arizona shall con-

stitute one surveyor-general's district; That the Territory of Idaho and Nevada shall constitute, and be a part of, the surveyor-general's district of Colorado; That the Territory of Dakota and Montana shall constitute one surveyor-general's district, and that there shall be but one office of surveyor-general for each surveyor-general's district; That the provisions of this section shall be executed under such rules and regulations as may be prescribed by the commissioner of the general land-office; and that all acts and parts of acts in conflict with the provisions of this section are hereby repealed.

Arizona, Idaho, Nevada, Dakota, and Montana.

Repeal.

SEC. 9. *And be it further enacted*, That sections eight and nine of an act entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord eighteen hundred and eight," which said sections undertake to regulate the coastwise slave-trade, are hereby repealed, and the coastwise slave-trade is prohibited forever.

Coastwise slave-trade prohibited.

Repeal of act 1807, ch. 22, §§ 8, 9. Vol. ii. p. 429.

APPROVED, July 2, 1864.

CHAP. CCXI. — *An Act making Appropriations for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defence for the Year ending the thirtieth of June, eighteen hundred and sixty-five, and for other Purposes.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

Appropriation for fortifications, &c.

For Fort Montgomery, at outlet of Lake Champlain, New York, fifty thousand dollars.

Fort Montgomery.

For Fort Knox, at narrows of Penobscot River, Maine, one hundred thousand dollars.

Fort Knox.

For fort at entrance of Kennebec River, (Fort Popham,) Maine, one hundred thousand dollars.

Fort Popham.

For fort on Hog Island Ledge, (Fort Georges,) Portland harbor, Maine, one hundred and fifty thousand dollars.

Fort Georges.

For Fort Preble, Portland harbor, Maine, one hundred and fifty thousand dollars.

Fort Preble.

For Fort Scammel, Portland harbor, Maine, one hundred thousand dollars.

Fort Scammel.

For New Fort Constitution, Portsmouth harbor, New Hampshire, one hundred thousand dollars.

Fort Constitution.

For Fort McClary, Portsmouth harbor, New Hampshire, fifty thousand dollars.

Fort McClary.

For Fort Winthrop, Governor's Island, Boston harbor, Massachusetts, fifty thousand dollars.

Fort Winthrop.

For Fort Warren, Boston harbor, Massachusetts, twenty thousand dollars.

Fort Warren.

For sea-wall of Great Brewster's Island, forty thousand dollars.

Sea-wall at Great Brewster.

For repair of sea-walls on Deer and on Lovell's Island, ten thousand dollars.

On Deer and Lovell's Islands.

For permanent forts at New Bedford harbor, Massachusetts, one hundred thousand dollars.

Forts at New Bedford harbor.

For Fort Schuyler, East River, New York, twenty-five thousand dollars.

Fort Schuyler.

For fort at Willet's Point, opposite Fort Schuyler, New York, one hundred and fifty thousand dollars.

Forts at Willet's Point.

For repairs of Fort Columbus, Castle Williams, South Battery, Fort Wood, and Fort Gibson, New York harbor, one hundred thousand dollars.

Fort Columbus.

For new battery near Fort Hamilton, at the Narrows, New York, seventy-five thousand dollars.

Fort Hamilton.

Fort Richmond. For Fort Richmond, Staten Island, New York, twenty thousand dollars.

Fort on site of Fort Tompkins. For fort on site of Fort Tompkins, Staten Island, New York, one hundred and fifty thousand dollars.

Battery of Staten Island. For cas[e]mated battery on Staten Island, New York, seventy-five thousand dollars.

Sea-wall at Buffalo. For repairs and completion of sea-wall at Buffalo, thirty-seven thousand five hundred dollars.

Fort at Sandy Hook. For fort at Sandy Hook, New Jersey, one hundred and twenty-five thousand dollars.

Fort Mifflin. For Fort Mifflin, near Philadelphia, Pennsylvania, twenty thousand dollars.

Delaware breakwater. For permanent work for Delaware breakwater harbor, one hundred thousand dollars.

Fort Carroll. For Fort Carroll, Baltimore harbor, Maryland, one hundred thousand dollars.

Fort Monroe. For Fort Monroe, Hampton Roads, Virginia, fifty thousand dollars.

Fort Wool. For Fort Wool, Hampton Roads, Virginia, two hundred thousand dollars.

Fort Clinch. For Fort Clinch, entrance to Cumberland Sound, Florida, one hundred thousand dollars.

Fort at Ship Island; For fort at Ship Island, coast of Mississippi, one hundred thousand dollars.

at Fort Point; For fort at Fort Point, San Francisco bay, California, fifty thousand dollars.

at Alcatraz Island. For fort at Alcatraz Island, San Francisco bay, California, ninety thousand dollars.

Defences at San Francisco. For land defences at San Francisco, one hundred and seventy-seven thousand dollars: *Provided*, That no portion of the same shall be expended on other fortifications now in progress there.

At mouth of Columbia River. For defences in Oregon and in Washington Territory, at or near the mouth of Columbia River, one hundred thousand dollars.

Repairs, &c., of barracks, &c. For repairs and alterations of barracks, quarters, hospitals, storerooms, and fences at permanent forts not occupied by troops, fifty thousand dollars.

Platforms for cannon. For construction of permanent platforms for modern cannon of large calibre in existing fortifications of important harbors, one hundred and thirty thousand dollars.

Tool and siege trains. For tool and siege trains for armies in the field, two hundred thousand dollars.

Bridge trains and equipage. For bridge trains and equipage for armies in the field, five hundred thousand dollars.

Contingencies. For contingencies of fortifications, including field works and field operations, seven hundred thousand dollars.

Obstructions in Potomac River. For providing obstructions to be moored in the Potomac River to render the shore batteries more efficient for the protection of Washington against maritime attack, three hundred thousand dollars.

Defences of Washington. For completing and rendering more permanent the defences of Washington, three hundred thousand dollars.

Surveys of lakes. For surveys of the northern and northwestern lakes, including Lake Superior, one hundred thousand dollars.

Chart of lake surveys. For engraving and printing chart of lake surveys, ten thousand dollars.

Purchase, &c., of instruments. For purchase and repair of instruments, fifteen thousand dollars.

Surveys for military defences, &c. For surveys for military defences, and for purchase of campaign maps, manuscript notes, and maps of surveys of railroads and canals, one hundred and fifty thousand dollars.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCXII.—*An Act to authorize the United States to acquire Land in Wallabout Bay, belonging to the City of Brooklyn, and to authorize the Exchange of other Lands therefor.*

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

be, and he is hereby, authorized and empowered to negotiate with the city of Brooklyn, in the State of New York, and to effect an exchange of lands in Wallabout Bay between the United States and the said city, and thereupon to make, execute, and deliver good and sufficient deeds and releases therefor. Lands in Wallabout Bay.

APPROVED, July 2, 1864.

CHAP. CCXIII. — *An Act granting Lands to the State of Oregon, to aid in the Construction of a Military Road from Eugene City to the Eastern Boundary of said State.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of Middle Fork of Willamette River, and the most feasible pass in Cascade range of mountains, near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands, designated by odd numbers, for three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever; *and provided further*, That any and all lands heretofore reserved to the United States by act of congress, or other competent authority, be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted. Lands granted to Oregon for a military wagon-road. Lands to be applied exclusively in constructing such road. Lands heretofore reserved excepted from this act.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to said state shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States. Lands granted to be disposed of by legislature, &c.

SEC. 3. *And be it further enacted*, That said road shall be constructed with such width, graduation, and bridges, as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe. Width, grade, &c., of road.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said state shall be disposed of only in the following manner, that is to say: that a quantity of land not exceeding thirty sections for said road may be sold; and when the governor of said state shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed thirty sections, may be sold, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States. Mode of disposition of lands. Land to revert if, &c.

APPROVED, July 2, 1864.

CHAP. CCXIV. — *An Act to establish Colfax Street in the City of Washington and District of Columbia.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage hereof, the alley, which is sixty feet wide, across square seven hundred and twelve, and which connects L and M streets north, and the west line of which is two hundred and twelve feet east of the east line of First street east, shall be known as Colfax street. Colfax street established.

SEC. 2. *And be it further enacted*, That congress may hereafter, at any time, amend or repeal this act. This act may be amended, &c.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXV. — *An Act to provide for the more speedy Punishment of Guerilla Marauders, and for other Purposes.*

Sentences against guerilla marauders, who may carry into effect. 1863, ch. 75, § 21. Vol. xii. p. 735.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the twenty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved third March, eighteen hundred and sixty-three, shall apply as well to the sentences of military commissions as to those of courts-martial, and hereafter the commanding general in the field, or the commander of the department, as the case may be, shall have power to carry into execution all sentences against guerilla marauders for robbery, arson, burglary, rape, assault with intent to commit rape, and for violation of the laws and customs of war, as well as sentences against spies, mutineers, deserters, and murderers.

Officer ordering court-martial may remit, &c., sentence of court.

SEC. 2. *And be it further enacted*, That every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, including that of confinement in the penitentiary, except the sentence of death, or of cashiering or dismissing an officer, which sentences it shall be competent during the continuance of the present rebellion for the general commanding the army in the field, or the department commander, as the case may be, to remit or mitigate; and

Repeal of 1862, ch. 201, § 5. Vol. xii. p. 598.

the fifth section of the act approved July seventeenth, eighteen hundred and sixty-two, chapter two hundred and one, be, and the same is hereby, repealed, so far as it relates to sentences of imprisonment in the penitentiary.

Soldiers sick in hospital and discharged, but dying in hospital, &c., to be entitled to bounties.

SEC. 3. *And be it further enacted*, That when a soldier sick in hospital shall have been discharged, or shall be discharged, from the military service, but shall be unable to leave, or to avail himself of his discharge, in consequence of sickness or of wounds, and shall subsequently die in such hospital, he shall be deemed to have died in the military service, so far as relates to bounties.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXVI. — *An Act to amend an Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and other Purposes," approved July first, eighteen hundred and sixty-two.*

1862, ch. 120. Vol. xii. p. 489. 1865, ch. 88. *Post*, p. 504.

Shares in capital stock of Pacific Railroad to be $100 each.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the company entitled the Union Pacific Railroad Company, authorized by the act of which this act is amendatory, shall be in shares of one hundred dollars, instead of one thousand dollars, each; that the number of shares

Number of shares.

shall be one million, instead of one hundred thousand; and that the number of shares which any person shall hold to entitle him to serve as a

Directors to hold fifty shares.

director in said company (except the five directors to be appointed by government) shall be fifty shares, instead of five shares; and that every subscriber to said capital stock for each share of one thousand dollars, heretofore subscribed, shall be entitled to a certificate for ten shares of one hundred dollars each; and that the following words in section first of

Part of act of 1862, ch. 120, § 1, repealed. Vol. xii. p. 490.

said act: "which shall be subscribed for and held in not more than two hundred shares by any one person," be, and the same are hereby, repealed

Books of subscription to be kept open in certain cities.

SEC. 2. *And be it further enacted*, That the Union Pacific Railroad Company shall cause books to be kept open to receive subscriptions to the capital stock of said company, (until the entire capital of one hundred millions of dollars shall be subscribed,) at the general office of said company in the city of New York, and in each of the cities of Boston, Philadelphia, Baltimore, Chicago, Cincinnati, and Saint Louis, at such places as may be designated by the President of the United States, and in such other localities as may be directed by him. No subscription for said stock

shall be deemed valid unless the subscriber therefor shall, at the time of subscribing, pay or remit to the treasurer of the company an amount per share subscribed by him equal to the amount per share previously paid by the then existing stockholders. The said company shall make assessments upon its stockholders of not less than five dollars per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid; and money only shall be received for any such assessment, or as equivalents for any portion of the capital stock hereinbefore authorized. The capital stock of said company shall not be increased beyond the actual cost of said road. And the stock of the company shall be deemed personal property, and shall be transferable on the books of the company, at the general office of said company in the city of New York, or at such other transfer office as the company may establish.

Subscription not to be valid unless, &c.

Assessments.

Stock not to be increased, &c.; to be personal property.

SEC. 3. *And be it further enacted*, That the Union Pacific Railroad Company, and all other companies provided for in this act and the act to which this is an amendment, be, and hereby are, empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width one hundred feet on each side of its centre line, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station house[s], or any other structures required in the construction and operating of said road. And each of said companies shall have the right to cut and remove trees or other materials that might by falling encumber its road-bed, though standing or being more than one hundred feet therefrom. And in case the owner or claimant of such lands or premises and such company cannot agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisement, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining, and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the territory, or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisement of the premises to be taken, and with the same effect as have been already described. And the title of the company to the land taken by virtue of this

Railroads may take and hold lands necessary for road, &c.

Damages.

Appraisement.

Appeal from assessment.

Damages to land of absent owners.

act shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for either of the said companies to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claim to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the proper company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

Damages to unoccupied lands.

Agreements as to damages of persons under disability.

Amendments of §§ 3, 7, of act of 1862, ch. 120. Vol. xii. p. 492.

Sec. 4. *And be it further enacted*, That section three of said act be hereby amended by striking out the word "five," where the same occurs in said section, and by inserting in lieu thereof the word "ten;" and by striking out the word "ten," where the same occurs in said section, and by inserting in lieu thereof the word "twenty." And section seven of said act is hereby amended by striking out the word "fifteen," where the same occurs in said section, and inserting in lieu thereof the word "twenty-five." And the term "mineral land," wherever the same occurs in this act, and the act to which this is an amendment, shall not be construed to include coal and iron land. And any lands granted by this act, or the act to which this is an amendment, shall not defeat or impair any pre-emption, homestead, swamp land, or other lawful claim, nor include any government reservation or mineral lands, or the improvements of any bona fide settler, or any lands returned and denominated as mineral lands, and the timber necessary to support his said improvements as a miner, or agriculturalist, to be ascertained under such rules as have been or may be established by the commissioner of the general land-office, in conformity with the provisions of the preëmption laws: *Provided*, That the quantity thus exempted by the operation of this act, and the act to which this act is an amendment, shall not exceed one hundred and sixty acres for each settler who claims as an agriculturalist, and such quantity for each settler who claims as a miner, as the said commissioner may establish by general regulation: *Provided, also*, That the phrase "but where the same shall contain timber, the timber thereon is hereby granted to said company," in the proviso to said section three, shall not apply to the timber growing or being on any land farther than ten miles from the centre line of any one of said roads or branches mentioned in said act, or in this act. And all lands shall be excluded from the operation of this act, and of the act to which this act is an amendment, which were located, or selected to be located, under the provisions of an act entitled "an act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, and notice thereof given at the proper land-office.

"Mineral land" not to include coal and iron.

Preëmption, homestead, &c., rights not affected hereby.

Limit to exemption.

Timber.

Lands granted to colleges not included herein.

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

Time for designating route, filing map, &c., extended, &c.

Sec. 5. *And be it further enacted*, That the time for designating the general route of said railroad, and of filing the map of the same, and the time for the completion of that part of the railroads required by the terms of said act of each company, be, and the same is hereby, extended one year from the time in said act designated; and that the Central Pacific

Railroad Company of California shall be required to complete twenty-five miles of their said road in each year thereafter, and the whole to the state line within four years, and that only one half of the compensation for services rendered for the government by said companies shall be required to be applied to the payment of the bonds issued by the government in aid of the construction of said roads.

Part of compensation to pay for bonds.

SEC. 6. *And be it further enacted*, That the proviso to section four of said act is hereby modified as follows, viz: And the President of the United States is hereby authorized, at any time after the passage of this act, to appoint for each and every of said roads three commissioners, as provided for in the act to which this is amendatory; and the verified statement of the president of the California company, required by said section four, shall be filed in the office of the United States surveyor-general for the State of California, instead of being presented to the President of the United States; and the said surveyor-general shall thereupon notify the said commissioners of the filing of such statement, and the said commissioners shall thereupon proceed to examine the portion of said railroad and telegraph line so completed, and make their report thereon to the President of the United States, as provided by the act of which this is amendatory. And such statement may be filed, and such railroad and telegraph line be examined and reported on, by the said commissioners, and the requisite amount of bonds may be issued and the lands appertaining thereto may be set apart, located, entered, and patented, as provided in this act and the act to which this is amendatory, upon the construction by said railroad company of California of any portion of not less than twenty consecutive miles of their said railroad and telegraph line, upon the certificate of said commissioners that such portion is completed as required by the act to which this is amendatory. And section ten of the act of which this is amendatory is hereby amended by inserting, after the words "United States," in the last clause, the words "and states intervening."

Commissioners for the roads. 1862, ch. 120, § 4. Vol. xii. p. 492.

Statement may be filed, bonds issued, &c., when, &c.

Amendment to § 10.

SEC. 7. *And be it further enacted*, That so much of section seventeen of said act as provides for a reservation by the government of a portion of the bonds to be issued to aid in the construction of the said railroads is hereby repealed. And the failure of any one company to comply fully with the conditions and requirements of this act, and the act to which this is amendatory, shall not work a forfeiture of the rights, privileges, or franchise of any other company or companies that shall have complied with the same.

Repeal of requirement that portion of bonds should be reserved.

Failure of one company not to affect others.

SEC. 8. *And be it further enacted*, That for the purpose of facilitating the work on said railroad, and of enabling the said company as early as practicable to commence the grading of said railroad in the region of the mountains, between the eastern base of the Rocky Mountains and the western base of the Sierra Nevada Mountains, so that the same may be finally completed within the time required by law, it is hereby provided that whenever the chief engineer of the said company, and said commissioners, shall certify that a certain proportion of the work required *required* to prepare the road for the superstructure on any such section of twenty miles is done, (which said certificate shall be duly verified,) the Secretary of the Treasury is hereby authorized and required, upon the delivery of such certificate, to issue to said company a proportion of said bonds, not exceeding two thirds of the amount of bonds authorized to be issued under the provisions of the act, to aid in the construction of such section of twenty miles, nor in any case exceeding two thirds of the value of the work done, the remaining one third to remain until the said section is fully completed and certified by the commissioners appointed by the President, according to the terms and provisions of the said act; and no such bonds shall issue to the Union Pacific Railroad Company for work done west of Salt Lake City under this section, more than three hundred

Portion of bonds may be issued when engineer, &c., certify that a part of the work, &c., is done.

miles in advance of the completed continuous line of said railroad from the point of beginning on the one hundredth meridian of longitude.

Corporations may establish, &c., ferries, and construct bridges.

Sec. 9. *And be it further enacted*, That to enable any one of said corporations to make convenient and necessary connections with other roads, it is hereby authorized to establish and maintain all necessary ferries upon and across the Missouri River and other rivers which its road may pass in its course; and authority is hereby given said corporation to construct bridges over said Missouri River, and all other rivers for the convenience of said road: *Provided*, That any bridge or bridges it may construct over the Missouri River, or any other navigable river on the line of said road, shall be constructed with suitable and proper draws for the passage of steamboats, and shall be built, kept, and maintained, at the expense of said company in such manner as not to impair the usefulness of said rivers for navigation to any greater extent than such structures of the most approved character necessarily do: *And provided, further*, That any company authorized by this act to construct its road and telegraph line from the Missouri River to the initial point aforesaid, may construct its road and telegraph line so as to connect with the Union Pacific Railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits, and be subject to all the conditions and restrictions, of this act: *Provided, further, however*, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific Railroad on the 100th degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided.

Draws.

Connection with Union Pacific Railroad.

Proviso.

First mortgage bonds. 1862, ch. 120, § 5. Vol. xii. p. 492.

Sec. 10. *And be it further enacted*, That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may, on the completion of each section of said road, as provided in this act and the act to which this act is an amendment, issue their first mortgage bonds on their respective railroad and telegraph lines to an amount not exceeding the amount of the bonds of the United States, and of even tenor and date, time of maturity, rate and character of interest with the bonds authorized to be issued to said railroad companies respectively. And the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property, and equipments, except as to the provisions of the sixth section of the act to which this act is an amendment, relating to the transmission of despatches and the transportation of mails, troops, munitions of war, supplies and public stores for the government of the United States. And said section is further amended by striking out the word "forty," and inserting in lieu thereof the words "on each and every section of not less than twenty."

Lien of the United States.

Provision for bonds already issued by any company.

Sec. 11. *And be it further enacted*, That if any of the railroad companies entitled to bonds of the United States, or to issue their first mortgage bonds herein provided for, has, at the time of the approval of this act, issued, or shall thereafter issue, any of its own bonds or securities in such form or manner as in law or equity to entitle the same to priority or preference of payment to the said guaranteed bonds, or said first mortgage bonds, the amount of such corporate bonds outstanding and unsatisfied, or uncancelled, shall be deducted from the amount of such government and first mortgage bonds which the company may be entitled to receive and issue; and such an amount only of such government bonds and such first mortgage bonds shall be granted or permitted, as added to such out-

standing, unsatisfied, or uncancelled bonds of the company shall make up the whole amount per mile to which the company would otherwise have been entitled: *And provided, further*, That before any bonds shall be so given by the United States, the company claiming them shall present to the Secretary of the Treasury an affidavit of the president and secretary of the company, to be sworn to before the judge of a court of record, setting forth whether said company has issued any such bonds or securities, and, if so, particularly describing the same, and such other evidence as the secretary may require, so as to enable him to make the deduction herein required; and such affidavit shall then be filed and deposited in the office of the Secretary of the Interior. And any person swearing falsely to any such affidavit, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished as aforesaid: *Provided, also*, That no land granted by this act shall be conveyed to any party or parties, and no bonds shall be issued to any company or companies, party or parties, on account of any road or part thereof, made prior to the passage of the act to which this act is an amendment, or made subsequent thereto under the provisions of any act or acts other than this act, and the act amended by this act.

Outstanding bonds.

Provisos.

SEC. 12. *And be it further enacted*, That the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall build the railroad from the mouth of Kansas River, by the way of Leavenworth, or, if that be not deemed the best route, then the said company shall, within two years, build a railroad from the city of Leavenworth to unite with the main stem at or near the city of Lawrence; but to aid in the construction of said branch the said company shall not be entitled to any bonds. And if the Union Pacific Railroad Company shall not be proceeding in good faith to build the said railroad through the territories when the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall have completed their road to the hundredth degree of longitude, then the last-named company may proceed to make said road westward until it meets and connects with the Central Pacific Railroad Company on the same line. And the said railroad from the mouth of Kansas River to the one hundredth meridian of longitude shall be made by the way of Lawrence and Topeka, or on the bank of the Kansas River opposite said towns: *Provided*, That no bonds shall be issued or land certified by the United States to any person or company, for the construction of any part of the main trunk-line of said railroad west of the one hundredth meridian of longitude and east of the Rocky Mountains, until said road shall be completed from or near Omaha, on the Missouri River, to the said one hundredth meridian of longitude.

Union Pacific Railroad, eastern division, &c., to build railroad, &c.

Not entitled to bonds therefor.

Proviso.

SEC. 13. *And be it further enacted*, That at and after the next election of directors, the number of directors to be elected by the stockholders shall be fifteen; and the number of directors to be appointed by the President shall be five; and the President shall appoint three additional directors to serve until the next regular election, and thereafter five directors. At least one of said government directors shall be placed on each of the standing committees of said company, and at least one on every special committee that may be appointed. The government directors shall, from time to time, report to the Secretary of the Interior, in answer to any inquiries he may make of them, touching the condition, management, and progress of the work, and shall communicate to the Secretary of the Interior, at any time, such information as should be in the possession of the department. They shall, as often as may be necessary to a full knowledge of the condition and management of the line, visit all portions of the line of road, whether built or surveyed; and while absent from home, attending to their duties as directors, shall be paid their actual travelling expenses, and be allowed and paid such rea-

Number of directors.

Government directors.

Report to Secretary of the Interior.

sonable compensation for their time actually employed as the board of directors may decide.

Next election of directors.

SEC. 14. *And be it further enacted*, That the next election for directors of said railroad shall be held on the first Wednesday of October next, at the office of said company in the city of New York, between the hours of ten o'clock a. m. and four o'clock p. m. of said day; and all subsequent regular elections shall be held annually thereafter at the same place; and the directors shall hold their offices for one year, and until their successors are qualified.

Regular elections.

Roads and telegraph to be used as one continuous line.

SEC. 15. *And be it further enacted*, That the several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph, authorized by this act, or the act amended by this act to refuse, or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offence, the sum of one hundred dollars, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any state or territory of competent jurisdiction.

Companies may be consolidated.

Mode of procedure.

SEC. 16. *And be it further enacted*, That any two or more of the companies authorized to participate in the benefits of this act, are hereby authorized at any time to unite and consolidate their organizations, as the same may or shall be, upon such terms and conditions, and in such manner as they may agree upon, and as shall not be incompatible with this act, or the laws of the state or states in which the roads of such companies may be, and to assume and adopt such corporate name and style as they may agree upon, with a capital stock not to exceed the actual cost of the roads so to be consolidated, and shall file a copy of such consolidation in the Department of the Interior; and thereupon such organization, so formed and consolidated, shall succeed to, possess, and be entitled to receive from the government of the United States, all and singular the grants, benefits, immunities, guarantees, acts, and things to be done and performed, and be subject to the same terms, conditions, restrictions, and requirements which said companies respectively, at the time of such consolidation, are or may be entitled or subject to under this act, in place and substitution of said companies so consolidated respectively. And all other provisions of this act, so far as applicable, relating or in any manner appertaining to the companies so consolidated, or either thereof, shall apply and be of force as to such consolidated organization. And in case upon the completion by such consolidated organization of the roads, or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid, (and forming, or intended or necessary to form, a portion of a continuous line from each of the several points on the Missouri River, hereinbefore designated, to the Pacific coast,) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road and telegraph of said other company, and at such point to connect and unite therewith; and for and in aid thereof the said consolidated organization may do and perform, in reference to such portion of road and

telegraph as shall so be in continuation of its constructed road and telegraph, and to the construction and equipment thereof, all and singular, the several acts and things hereinbefore provided, authorized, or granted to be done by the company hereinbefore authorized to construct and equip the same, and shall be entitled to similar and like grants, benefits, immunities, guarantees, acts, and things to be done and performed by the government of the United States, by the President of the United States, by the Secretaries of the Treasury and Interior, and by commissioners in reference to such company, and to such portion of the road hereinbefore authorized to be constructed by it, and upon the like and similar terms and conditions, so far as the same are applicable thereto. And said consolidated company shall pay to said defaulting company the value to be estimated by competent engineers of all the work done and material furnished by said defaulting company, which may be adopted and used by said consolidated company in the progress of the work under the provisions of this section: *Provided, nevertheless*, That said defaulting company may at any time, before receiving pay for its said work and material, as hereinbefore provided, on its own election, pay said consolidated company the value of the work done and material furnished by said consolidated company, to be estimated by competent engineers, necessary for, and used in, the construction of the road of said defaulting company, and resume the control of its said road; and all the rights, benefits, and privileges which shall be acquired, possessed, or exercised, pursuant to this section, shall be to that extent an abatement of the rights, benefits, and privileges hereinbefore granted to such other company. And in case any company authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road as hereinbefore provided, shall be entitled to, and is hereby authorized to, continue and extend the same under the circumstances, and in accordance with the provisions of this section, and to have all the benefits thereof, as fully and completely as are herein provided, touching such consolidated organization. And in case more than one such consolidated organization shall be made, pursuant to this act, the terms and conditions of this act, hereinbefore recited as to one, shall apply in like manner, force, and effect to the other. *Provided, however*, That rights and interests at any time acquired by one such consolidated organization, shall not be impaired by another thereof. It is further provided that, should the Central Pacific Railroad Company of California complete their line to the eastern line of the State of California, before the line of the Union Pacific Railroad Company shall have been extended westward so as to meet the line of said first-named company, said first-named company may extend their line of road eastward one hundred and fifty miles on the established route, so as to meet and connect with the line of the Union Pacific road, complying in all respects with the provisions and restrictions of this act as to said Union Pacific road, and upon doing so, shall enjoy all the rights, privileges, and benefits conferred by this act on said Union Pacific Railroad Company.

Powers and duties of consolidated organization.

Proviso.

Proviso.

SEC. 17. *And be it further enacted*, That so much of section fourteen of said act as relates to a branch from Sioux City be, and the same is hereby, amended so as to read as follows: That whenever a line of railroad shall be completed through the States of Iowa, or Minnesota, to Sioux City, such company, now organized or may hereafter be organized under the laws of Iowa, Minnesota, Dakota, or Nebraska, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, upon the most direct and practicable route, to such a point on, and so as to connect with, the Iowa branch of the Union Pacific Railroad from Omaha, or the Union Pacific Railroad, as such company may select, and on the same terms and conditions as are provided in this act and the act to which this is an amendment, for the construction of the

Branch from Sioux City. 1862, ch. 120, § 14. Vol. xii. p. 496.

Union Pacific Railroad need not construct the branch.

said Union and Pacific Railroad and telegraph line and branches; and said company shall complete the same at the rate of fifty miles per year: *Provided*, That said Union Pacific Railroad Company shall be, and is hereby, released from the construction of said branch. And said company constructing said branch shall not be entitled to receive in bonds an amount larger than the said Union Pacific Railroad Company would be entitled to receive if it had constructed the branch under this act and the act to which this is an amendment; but said company shall be entitled to receive alternate sections of land for ten miles in width on each side of the same along the whole length of said branch: *And provided, further*, That if a railroad should not be completed to Sioux City, across Iowa or Minnesota, within eighteen months from the date of this act, then said company designated by the President, as aforesaid, may commence, continue, and complete the construction of said branch as contemplated by the provisions of this act: *Provided, however*, That if the said company so designated by the President as aforesaid shall not complete the said branch from Sioux City to the Pacific Railroad within ten years from the passage of this act, then, and in that case, all of the railroad which shall have been constructed by said company shall be forfeited to, and become the property of, the United States.

Bonds.

Lands.

Time of completion.

Forfeiture, if, &c.

Burlington and Missouri River road may extend its road.

SEC. 18. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under and by virtue of the laws of the State of Iowa, be, and hereby is, authorized to extend i[t]s road through the Territory of Nebraska from the point where it strikes the Missouri River, south of the mouth of the Platte River, to some point not further west than the one hundredth meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific Railroad, or that part of it which runs from Omaha to the said one hundredth meridian of west longitude. And, for the purpose of enableing said Burlington and Missouri River Railroad Company to construct that portion of their road herein authorized, the right of way through the public lands is hereby granted to said company for the construction of said road. And the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine shops, switches, side-tracks, turn-tables, and water-stations. And the United States shall extinguish, as rapidly as may be, consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this section and required for the said right of way and grant of land herein made.

Right of way.

Indian titles to be extinguished.

Lands granted.

SEC. 19. *And be it further enacted*, That for the purpose of aiding in the construction of said road, there be, and hereby is, granted to the said Burlington and Missouri River Railroad Company, every alternate section of public land (excepting mineral lands as provided in this act) designated by odd numbers, to the amount of ten alternate sections per mile on each side of said road, on the line thereof, and not sold, reserved, or otherwise disposed of by the United States, and to which a preëmption or homestead claim may not have attached at the time the line of said road is definitely fixed: *Provided*, That said company shall accept this grant within one year from the passage of this act, by filing such acceptance with the Secretary of the Interior, and shall also establish the line of said road, and file a map thereof with the Secretary of the Interior within one year of the date of said acceptance, when the said Secretary shall withdraw the lands embraced in this grant from market.

Proviso.

Commission to be appointed.

SEC. 20. *And be it further enacted*, That whenever said Burlington and Missouri River Railroad Company shall have completed twenty con-

secutive miles of the road mentioned in the foregoing section, in the manner provided for other roads mentioned in this act, and the act to which this is an amendment, the President of the United States shall appoint three commissioners to examine and report to him in relation thereto; and if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioner[s] to that effect, patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance, by patents, shall continue from time to time, in like manner, until said road shall have been completed. And the President shall appoint said commissioners, fill vacancies in said commission, as provided in relation to other roads mentioned in the act to which this is an amendment. And the said company shall be entitled to all the privileges and immunities granted to the Hannibal and Saint Joseph's Railroad Company by the said last-mentioned act, so far as the same may be applicable: *Provided*, That no government bonds shall be issued to the said Burlington and Missouri River Railroad Company to aid in the construction of said extension of its road: *And provided, further*, That said extension shall be completed within the period of ten years from the passage of this act.

Patents to issue.

Provisos.

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the treasury of the United States, the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the commissioner of the general land-office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

Cost of surveying, &c., to be paid before conveyances are made.

SEC. 22. *And be it further enacted*, That congress may, at any time, alter, amend, or repeal this act.

This act may be altered, &c.

APPROVED, July 2, 1864.

CHAP. CCXVII. — *An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, I. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, jnr., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncy Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Elsworth Cheesebrough, James S. Emery, of Kansas; Richard

Northern Pacific Railroad Company incorporated.

Names of corporators.

Northern Pacific Railroad Company.

F. Perkins, Richard Chenery, Samuel Brannan, George Rowland, Henry Platt, of California; William F. Mercer, James W. Brownley, of Virginia; John H. B. Latrobe, W. Prescott Smith, of Maryland; Greenbury Slack, A. J. Boreman, of West Virginia; Thomas E. Bramlette, Frank Shorin, of Kentucky; John Brough, John A. Bingham, Oran Follett, John Gardner, S. S. L'Hommedieu, Harrison G. Blake, Philo Chamberlin, of Ohio; John A. Duncan, Samuel M. Harrington, of Delaware; Thomas A. Morris, Jesse L. Williams, of Indiana; Samuel L. Case, Henry L. Hall, David H. Jerome, Thomas D. Gilbert, C. A. Trowbridge, of Michigan; Edward H. Broadhead, Alexander Mitchell, Benjamin Ferguson, Levi Sterling, —— Marshal, of Wisconsin; J. C. Ainsworth, Orlando Humason, H. W. Corbett, Henry Failling, of Oregon; J. B. S. Todd, M. K. Armstrong, J. Shaw Gregory, J. Le Berge, of Dakota Territory; John Mullan, Anson G. Henry, S. D. Smith, Charles Terry, of Washington Territory; H. W. Starr, Platt Smith, Nixon Denton, William Leighton, B. F. Allen, Reuben Noble, John L. Davies, of Iowa; Willard P. Hall, George R. Smith, H. Gayle King, John C. Sargeant, of Missouri; William H. Wallace, of Idaho Territory; J. H. Lathrop, Henry D. Cooke, H. E. Merrick, of the District of Columbia, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style, and title of the "Northern Pacific Railroad Company," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal.

Powers, &c.

May lay out, &c., a railroad and telegraph line.

And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget's Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland, in the State of Oregon, leaving the main trunk-line at the most suitable place, not more than three hundred miles from its western terminus; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth.

Capital stock.

The capital stock of said company shall consist of one million shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide.

Commissioners.

The persons hereinbefore named are hereby appointed commissioners, and shall be called the board of commissioners of the "Northern Pacific Railroad Company," and fifteen shall constitu[t]e a quorum for the transaction of business.

Quorum.

First meeting of commissioners.

The first meeting of said board of commissioners shall be held at the Melodeon hall, in the city of Boston, at such time as any five commissioners herein named from Massachusetts shall appoint, not more than three months after the passage of this act, notice of which shall be given by them to the other commissioners by publishing said notice in at least one daily newspaper in the cities of Boston, New York, Philadelphia, Cincinnati, Milwaukee, and Chicago, once a week at least four weeks previous to the day of meeting.

Officers, &c.

Said board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, and the oath verified thereon. The president and secretary of said board shall in like manner call all

other meetings, naming the time and place thereof. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each state in which subscription books have been opened, at least fifteen days previous to *to* the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

Meetings.

Books of subscription.

First meeting of subscribers to stock.

Directors.

Inspectors of election.

Commissioners to deliver to directors.

Annual meetings.

SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

Right of way.

Materials for construction.

Indian titles to be extinguished.

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preëmption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office

Grant of public lands.

of the commissioner of the general land-office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preëmpted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act: *Provided, further*, That the railroad company receiving the previous grant of land may assign their interest to said "Northern Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first section of this act: *Provided, further*, That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd numbered sections, nearest to the line of said road may be selected as above provided: *And provided, further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal: *And provided, further*, That no money shall be drawn from the treasury of the United States to aid in the construction of the said "Northern Pacific Railroad."

Lands in lieu of those reserved, &c.

Provisos.

Mineral lands excluded.

SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided*, That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

Commissioners.

Patents.

Provisos.

SEC. 5. *And be it further enacted*, That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture, and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the government higher rates than they do individuals for like

Railroad to be constructed in, &c.

Gauge.

Telegraph line.

transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any territory or state in which the same may be situated, to form running connections with it, on fair and equitable terms.

Other roads may form connections.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said rail road; and the odd sections of land hereby granted shall not be liable to sale, or entry, or preëmption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preëmption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the government at a price less than two dollars and fifty cents per acre, when offered for sale.

Lands on both sides of road to be surveyed, &c.

1841, ch. 16, Vol. v. p. 453.

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

SEC. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station-houses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its road-bed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisement, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisement may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any

Company may take lands necessary for its road.

Damages, how determined.

Appeal from assessment.

Lands held by infants or persons under any legal disability.

of the lands to be taken, as aforesaid, shall be held by any infant, femme covert, non compos, insane person, or persons residing without the territory within which the lands to be taken lie, or persons subjected to any legal disability, the court may appoint a guardian for any party under any disqualification, to appear in proper person, who shall give bonds, with sufficient surety or sureties, for the proper and faithful execution of his trust, and who may represent in court the person disqualified, as aforesaid, from appearing, when the same proceedings shall be had in reference to the appraisement of the premises to be taken for the use of said company, and with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee simple, shall be estimated and determined in the manner hereinbefore set forth. And in case it shall be necessary for the company to enter upon any lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purposes of said railroad, and may institute proceedings, in manner described, for the purpose of ascertaining the value of, and of acquiring title to, the same; but the judge of the court hearing said suit shall determine the kind of notice to be served on such owner or owners, and he may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred.

Claims to be made within six years.

Conditions of grant.

SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six.

If company breaks conditions, &c., the United States may complete the road.

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Any person may subscribe to stock.

SEC. 10. *And be it further enacted*, That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the congress of the United States.

No mortgage unless, &c.

Railroad to be post route and military road.

SEC. 11. *And be it further enacted*, That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States, for postal, military, naval, and all other government service, and also subject to such regulations as congress may impose restricting the charges for such government transportation.

Company to signify in writing its acceptance of terms, &c., of grant.

SEC. 12. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Northern Pacific Railroad Company shall be signified in writing under the corporate seal of

said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterwards, and shall be served on the President of the United States.

Annual report of directors.

SEC. 13. *And be it further enacted*, That the directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of the president and at least six of the directors, and they shall, from time to time, fix, determine, and regulate the fares, tolls, and charges to be received and paid for transportation of persons and property on said road, or any part thereof.

President and other officers.

SEC. 14. *And be it further enacted*, That the directors chosen in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president; and said board of directors shall, from time to time, and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds, with such security as the said board from time to time may require. The secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation. No person shall be a director of said company unless he shall be a stockholder, and qualified to vote for directors at the election at which he shall be chosen.

Term of office of president and other officers.

SEC. 15. *And be it further enacted*, That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place, and qualified. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors. The directors, of whom seven, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board. And the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of the company, and to do all acts and things touching the location and construction of said road.

Quorum.

By-laws.

Power of directors.

Payment of cash assessment.

SEC. 16. *And be it further enacted*, That it shall be lawful for the directors of said company to require payment of the sum of ten per centum cash assessment upon all subscriptions received of all subscribers, and the balance thereof at such times and in such proportions and on such conditions as they shall deem to be necessary to complete the said road and telegraph line within the time in this act prescribed. Sixty days' previous notice shall be given of the payments required, and of the time and place of payment, by publishing a notice once a week in one daily newspaper in each of the cities of Boston, New York, Philadelphia, and Chicago; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person shall be forfeited absolutely to the use of the company, and also any payment or payments that shall have been made on account thereof, subject to the condition that the board of directors may allow the redemption on such terms as they may prescribe.

Notice.

Stock to be forfeited, &c.

Company may accept, &c., grants.

Sec. 17. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to, or conferred upon, said company by the congress of the United States, by the legislature of any state, or by any corporation, person, or persons; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use for the purpose aforesaid.

Company to gain consent of state legislatures, &c.

Sec. 18. *And be it further enacted*, That said Northern Pacific Railroad Company shall obtain the consent of the legislature of any state through which any portion of said railroad line may pass, previous to commencing the construction thereof; but said company may have the right to put on engineers and survey the route before obtaining the consent of the legislature.

Act to be void, unless, &c.

Sec. 19. *And be it further enacted*, That unless said Northern Pacific Railroad Company shall obtain bonâ fide subscriptions to the stock of said company to the amount of two millions of dollars, with ten per centum paid within two years after the passage and approval of this act, it shall be null and void.

Act may be altered, &c.

Sec. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCXVIII. — *An Act to quiet the Titles to Lands within the Rancho Laguna de Santos Callé, in the State of California.*

Titles to lands in the Rancho Laguna de Santos Calle, California, quieted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for all purchasers from the grantees or their assigns of lands within the Rancho Laguna de Santos Callé, in the State of California, to file, within twelve months from the passage of this act, with the register of the land-office at Marysville, applications describing the lands so purchased by them respectively, with proofs of bonâ fide purchase from the said grantees or their assigns; and, upon such proofs being found satisfactory, the said purchasers shall be permitted to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the lands so purchased within the limits of said rancho, as described in the petition presented to the board of commissioners under the act of March 3, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," to the extent to which the lands so purchased have been reduced to possession, and are now held by said purchasers: *Provided*, That any person who shall avail himself of the provisions of this act shall be thereafter debarred any further claim under the grantee in the event of a final confirmation of the grant.

1851, ch. 41. Vol. ix. p. 631.

Costs of additional surveys.

Sec. 2. *And be it further enacted*, That where any additional surveys may be found necessary to give full effect to this act, the commissioner of the general land-office shall cause such surveys to be made at the cost of the purchasers, as provided by the 10th section of the act of May 30th, 1862, entitled "An act to reduce the expenses of the survey and sale of the public lands of the United States:" *Provided*, That no entry of mineral lands or lands reserved for military or other public uses, shall be permitted under this act, nor shall any rights acquired under the pre-emption laws of the United States be affected hereby.

1862, ch. 86, § 10. Vol. xii. p. 410.

Proviso.

Sec. 3. *And be it further enacted*, That it shall be the duty of the

register and receiver of the proper land-office to receive all applications in cases presented under this act, pursuant to such instructions as may be prescribed by the commissioner of the general land-office, and to adjudge all such cases as preliminary to a final decision in due course of law. Duty of registers and receivers under this act.

APPROVED, July 2, 1864.

CHAP. CCXIX. — *An Act to authorize assimilated Rank to be given to the Warrant Officers of the United States Navy, and for other Purposes.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, if, in his judgment, it shall be conducive to the interest of the service, to give assimilated rank to the warrant officers of the navy, viz: boatswains, gunners, carpenters, and sailmakers, as follows: After five years of service to rank with ensigns; and after ten years service to rank with masters. Assimilated rank to warrant officers in the navy.

SEC. 2. *And be it further enacted*, That, from and after the passage of this act, the officers named in the preceding section shall be known as "warrant officers in the naval service of the United States," and shall be so entered upon the Naval Register. To be called "warrant officers," &c.

SEC. 3. *And be it further enacted*, That in all cases where it has been, or may be, found necessary during the present war to detain in confinement persons found on board of captured vessels, the expenses of the detention of such persons, when not chargeable to the proceeds of prize or other fund, shall be paid out of the appropriation for defraying the expenses of suits in which the United States are concerned, and that the expenses of prisoners sentenced by naval court-martial to confinement in a penitentiary shall be defrayed from the same fund. Expenses of confinement of persons found in captured vessels.

SEC. 4. *And be it further enacted*, That the following addition be made to the clerical force now authorized by law in the Navy Department: — Additional clerks in the Navy Department.

Bureau of provisions and clothing, two clerks of the third class and two of the first class.

Bureau of ordnance, one clerk of the third class.

Bureau of equipment and recruiting, one clerk of the second class and one clerk of the first class.

APPROVED, July 2, 1864.

CHAP. CCXX. — *An Act for increased Facilities of Telegraph Communication between the Atlantic and Pacific States and the Territory of Idaho.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Telegraph Company, and their associates, are hereby authorized to erect a line or lines of magnetic telegraph between the Missouri River and the city of San Francisco, in the State of California, on such route as they may select, to connect with the lines of the said United States Telegraph Company, now constructed, and being constructed through the states of the Union. The said company shall have the use of such unoccupied land of the United States as may be necessary for the right of way, and materials, and for the establishing of stations along said line for repairs, not exceeding at any station one quarter section of land; and such stations not to exceed one in fifteen miles on the average of the whole line, unless said lands shall be required by the government of the United States for railroad or other purposes: *And provided*, That no right to preëmpt any of said lands under the laws of the United States shall enure to said company or their agents, or any other person or persons whatsoever. The United States Telegraph Company may erect lines between the Missouri River and San Francisco, to connect with other lines. Right of way &c. Stations. No right to preëmption.

SEC. 2. *And be it further enacted*, That the said United States Telegraph Company, under the direction of the President of the United States,

Line of telegraph from Fort Hall to Portland, Oregon, &c.

is hereby authorized to erect a line of telegraph from Fort Hall, by Walla-Walla and the Dalles and San Francisco to Portland, in the State of Oregon, and from Fort Hall to Bannock and Virginia City, in the Territory of Idaho, with the same privileges as to the right of way, and so forth, as is provided in the first section of this act; the United States to have priority in the use of said lines of telegraph to Oregon and Idaho.

This company may send, &c., despatches over other lines, upon, &c.

Sec. 3. *And be it further enacted*, That the aforesaid company is authorized by this act to send and receive despatches on payment of the regular charges for transmission of despatches over any line that may now or hereafter be constructed by the authority or aid of congress, to connect with any line or lines authorized or erected by the Russian or English governments, and that all despatches received by said line or lines shall be transmitted in the order of their reception, and the answers thereto shall be delivered to said United States Telegraph Company for transmission over their lines to the office whence the original message was sent, whenever so directed by the sender thereof.

Despatches to be transmitted in order of reception.

Certain railroad companies may make arrangements with this telegraph company. 1862, ch. 120. Vol. xii. p. 489.

Sec. 4. *And be it further enacted*, That the several railroad companies authorized by act of congress July one, eighteen hundred and sixty-two, are authorized to enter into arrangements with the United States Telegraph company so that the line of telegraph between the Missouri River and San Francisco may be made upon and along the line of said railroad and branches as fast as said roads and branches are built, and if said arrangements be entered into and the transfer of said telegraph line be made in accordance therewith to the line of said railroads and branches, such transfer shall, for all purposes of the act referred to, be held and considered a fulfilment on the part of said railroad companies of the provision of the act in regard to the construction of a telegraph line; and, in case of disagreement, said telegraph company are authorized to remove their line of telegraph along and upon the line of railroad therein contemplated, without prejudice to the rights of said railroad companies.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCXXI. — *An Act in Relation to the Sale of Reservations of the Public Lands.*

Minimum price may be fixed for reservations, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any reservation of public lands shall be brought into market under existing laws, it shall be lawful for the commissioner of the general land-office to fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCXXII. — *An Act relating to the Law of Evidence in the District of Columbia.*

Parties and persons interested may be witnesses in civil suits in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice in the District of Columbia, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence within said District, the parties thereto, and the persons in whose behalf any such action or other proceeding may be brought or defended, and any and all persons interested in the same, shall, except as hereinafter excepted, be competent and compellable to give evidence, either viva voce or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said action or other proceeding: *Provided*, That nothing herein contained shall render any person who is charged with any offence in any criminal proceeding competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to

Limitations to the rule.

answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, or in any proceeding instituted in consequence of adultery; nor shall any husband be compellable to disclose any communication made to him by his wife during the marriage, nor shall any wife be compellable to disclose any communication made to her by her husband during the marriage.

APPROVED, July 2, 1864.

CHAP. CCXXIII. — *An Act authorizing the Erection of Buildings for the Branch-Mint at San Francisco.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Treasury, in the purchase of a site, if necessary, and the erection of a suitable building or buildings for the use of the branch-mint at San Francisco, in the State of California. Appropriation for branch-mint in San Francisco.

APPROVED, July 2, 1864.

CHAP. CCXXIV. — *An Act prescribing the Terms on which Exemplifications shall be furnished by the General Land-Office.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the first day of July next, all exemplifications of patents, or papers on file, or of record in the general land-office, which may be required by parties interested, shall be furnished by the commissioner of said office upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plates or diagrams, with an additional sum of one dollar for the commissioner's certificate of verification with the general land-office seal; and one of the employees of said office shall be designated by the said commissioner as the receiving clerk, and the amounts so received shall, under the direction of the said commissioner, be paid into the treasury of the United States; effect to be given to this act according to such regulations as may be prescribed by the Secretary of the Interior not inconsistent with the laws of the United States: *Provided*, That the fees stipulated in the foregoing provisions shall not apply to such authenticated copies as may be required by the officers of any branch of the government, nor to such unverified copies as the commissioner in his discretion may deem proper to furnish. Fees for exemplifications of patents, &c., in the general land-office. Proviso.

APPROVED, July 2, 1864.

CHAP. CCXXV. — *An Act in addition to the several Acts concerning Commercial Intercourse between loyal and insurrectionary States, and to provide for the Collection of captured and abandoned Property, and the Prevention of Frauds in States declared in Insurrection.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sales of captured and abandoned property under the act approved March twelve, eighteen hundred and sixty-three, may be made at such places, in states declared in insurrection, as may be designated by the Secretary of the Treasury, as well as at other places now authorized by said act. Sales of abandoned, &c., property may be made where. 1863, ch. 120. Vol. xii. p. 820.

SEC. 2. *And be it further enacted*, That, in addition to the captured and abandoned property to be received, collected, and disposed of, as provided in said act, the said agents shall take charge of and lease, for pe- Abandoned lands, houses,

and tenements, may be leased.

riods not exceeding twelve months, the abandoned lands, houses, and tenements within the districts therein named, and shall also provide, in such leases or otherwise, for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary states formerly held as slaves, who are or shall become free.

When property is to be deemed abandoned.

Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

Moneys from leases and sales to be paid into the treasury.

SEC. 3. *And be it further enacted*, That all moneys arising from the leasing of abandoned lands, houses, and tenements, or from sales of captured and abandoned property collected and sold in pursuance of said act, or of this act, or from fees collected under the rules and regulations made by the Secretary of the Treasury, and approved by the President, dated respectively the twenty-eighth day of August, eighteen hundred and sixty-two, the thirty-first day of March, and the eleventh day of September, eighteen hundred and sixty-three, or under any amendments or modifications thereof, which have been or shall be made by the Secretary of the Treasury, and approved by the President, for conducting the commercial intercourse which has been or shall be licensed and permitted by the President, with and in states declared in insurrection, shall, after satisfying therefrom all proper and necessary expenses, to be approved by the Secretary of the Treasury, be paid into the treasury of the United States; and all accounts of moneys received or expended in connection therewith shall be audited by the proper accounting officers of the treasury. That the first section of the "Act to provide for the collection of abandoned property and for the prevention of fraud in insurrectionary districts in the United States," approved March twelve, eighteen hundred and sixty-three, is hereby extended so as to include the descriptions of property mentioned in an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July thirteen, eighteen hundred and sixty-one, and an act entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July seventeen, eighteen hundred and sixty-two, respectively; and that the sales provided for in said act first mentioned may be made at such places as may be designated by the Secretary of the Treasury. And section six of said first-mentioned act is hereby amended so as to include every description of property mentioned in the acts of July thirteen, eighteen hundred and sixty-one, and July seventeen, eighteen hundred and sixty-two, aforesaid; and that all property, real or personal, described in the acts to which this is in addition, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

Act of 1863, ch. 120, § 1, extended. Vol. xii. p 820.

1861, ch. 3, Vol. xii. p. 255.

1862, ch. 195. Vol. xii. p. 589.

Act of 1863, ch. 12, § 6, amended. Vol. xii. p. 821.

Property, when to be deemed abandoned.

Prohibitions of act of 1861, ch. 3, to apply to what. Vol. xii. p. 256.

SEC. 4. *And be it further enacted*, That the prohibitions and provisions of the act approved July thirteen, eighteen hundred and sixty-one, and of the acts amendatory or supplementary thereto, shall apply to all commercial intercourse by and between persons residing or being within districts within the present or future lines of national military occupation in the states or parts of states declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and that all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of states or parts of states declared in insurrection, as citizens of loyal states are subject to under the said act or acts.

What persons subject to prohibitions.

When parts of loyal states to be subject to prohibitions.

SEC. 5. *And be it further enacted*, That whenever any part of a loyal state shall be under the control of insurgents, or shall be in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the same prohibitions and conditions as

are created by the said acts, as to such intercourse between loyal and insurrectionary states, for such time and to such extent as shall from time to time become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

Mode of distribution of fines, forfeitures, &c.
Repeal of part of 1862, ch. 81, § 5. Vol. xii. p. 404.
1863, ch. 20, § 4. Vol. xii. p. 820.

SEC. 6. *And be it further enacted*, That so much of the fifth section of the act approved May twenty, eighteen hundred and sixty-two, and the fourth section of the act approved March twelve, eighteen hundred and sixty-three, as directs the manner of distributing fines, penalties, and forfeitures, is hereby repealed, and that, in lieu of the distribution thereby directed to be made to informers, collectors, and other officers of the customs, the court decreeing condemnation may award such compensation to customs-officers, informers, or other persons, for any service connected therewith, as will tend to promote vigilance in protecting the public interests, and as shall be just and equitable, in no case, however, to exceed the aggregate amount heretofore directed by the said fifth section.

Property taken on inland waters not to be deemed maritime prize; to be delivered to proper officers.
1863, ch. 120. Vol. xii. p. 820.

SEC. 7. *And be it further enacted*, That no property seized or taken upon any of the inland waters of the United States by the naval forces thereof, shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts, or as provided in this act and in the said act approved March twelve, eighteen hundred and sixty-three.

Agents to purchase, for the United States, any products of states in insurrection.

SEC. 8. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, with the approval of the President, to authorize agents to purchase for the United States any products of states declared in insurrection, at such places therein as shall be designated by him, at such prices as shall be agreed on with the seller, not exceeding the market value thereof at the place of delivery, nor exceeding three fourths of the market-value thereof in the city of New York at the latest quotations known to the agent purchasing: *Provided*, That no part of the purchase-money for any products so purchased shall be paid, or agreed to be paid, out of any other fund than that arising from property sold as captured or abandoned, or purchased and sold under the provisions of this act. All property so purchased shall be forwarded for sale at such place or places as shall be designated by the Secretary of the Treasury, and the moneys arising therefrom, after payment of the purchase-money and the other expenses connected therewith, shall be paid into the treasury of the United States; and the accounts of all moneys so received and paid shall be rendered to, and audited by, the proper accounting officers of the treasury.

Purchase-money to come from what fund.

Disposition of property purchased.

Authority to license commercial relations with states in insurrection repealed, except, &c.
1861, ch. 3, § 5. Vol. xii. p. 257.

SEC. 9. *And be it further enacted*, That so much of section five of the act of thirteenth of July, eighteen hundred and sixty-one, aforesaid, as authorizes the President, in his discretion, to license or permit commercial relations in any state or section the inhabitants of which are declared in a state of insurrection, is hereby repealed, except so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary states, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, except so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal states any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a state declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon in writing by the commanding general of the department in which such places are situated and an officer designated by the Secretary of the Treasury for that purpose.

SEC. 10. *And be it further enacted*, That all officers and privates of

Officers and men in land and naval service prohibited from dealing in captured, &c. property.

the regular and volunteer forces of the United States, and all officers, sailors, and marines in the naval service, are hereby prohibited from buying or selling, trading, or in any way dealing in the kind or description of property mentioned in this act, and the act to which this is in addition, whereby to receive or expect any profit, benefit, or advantage to himself, or any other person, directly or indirectly connected with him; and it shall be the duty of such officer, private, sailor, or marine, when such property shall come into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this act, and to turn the same over to such agent without delay: any officer of the United States, civil, military, or naval, or any sutler, soldier, marine, or other person, who shall violate any provision of this act, or who shall take, or cause to be taken, into a state declared to be in insurrection, or to any other point to be thence taken into such state, or who shall transport or sell, or otherwise dispose of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in said fifth section of the act of July thirteen, eighteen hundred and sixty-one, aforesaid, and any officer or other person aforesaid who shall make any false statement or representation upon which license and authority shall be granted for such transportation, sale, or other disposition, and any officer or other person aforesaid who shall, under any license or authority obtained, wilfully and knowingly transport, sell, or otherwise dispose of, any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or shall wilfully and knowingly transport, sell, or dispose of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or shall be guilty of any act of embezzlement, of wilful misappropriation of public or private money or property, of keeping false accounts, or of wilfully making any false returns, or of any other act amounting to a felony, shall be liable to indictment as for a misdemeanor, and fine not exceeding five thousand dollars, and to punishment in the penitentiary not exceeding three years, before any court, civil or military, competent to try the same. And it shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in the trade and other transactions contemplated by this act, or by the acts to which this is supplementary. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath.

Penalty for so doing, &c.

1861, ch. 3, § 5. Vol. xii. p. 257.

Investigations to prevent frauds and abuses.

Attendance of witnesses.

Rules and regulations in this matter.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary to secure the proper and economical execution of the provisions of this act, and shall defray all expenses of such execution from the proceeds of fees imposed by said rules and regulations, of sales of captured and abandoned property, and of sales hereinbefore authorized.

Approved, July 2, 1864.

July 2, 1864.

Chap. CCXXVI. — *An Act providing for satisfying Claims for Bounty Lands, and for other Purposes.*

Claims for bounty lands.

1842, ch. 69. Vol. v. p. 497.

1835, ch. 6, 7. Vol. ix. p. 749.

1848, ch. 74. Vol. ix. p. 240.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes," approved July twenty-seventh, in the year one thousand eight hundred and forty-two, and the two acts approved January twenty-seventh, in the year one thousand eight hundred and thirty-five, therein and thereby revived, and also the two acts to the same intent and purpose, respectively approved the twenty-sixth day of June, in the year eighteen hundred and forty-eight,

and the eighth day of February, in the year eighteen hundred and fifty-four, be, and the same are hereby, renewed and continued in force and effect, without restriction or limitation as to the time of location of said warrants issued in virtue thereof. 1854, ch. 10. Vol. x. p. 267.

SEC. 2. *And be it further enacted*, That all warrants for bounty lands heretofore issued in virtue of any of the several acts hereinbefore named, may be located at any time subsequent to the passage of this act, in conformity with the general laws in force at the time of such location; and that all entries and locations heretofore made with such warrants shall be as valid and effectual as if the several acts aforesaid had not expired at the time of such entry and location, any law to the contrary notwithstanding. Warrants already issued may be located hereafter. Former entries confirmed.

SEC. 3. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed. Repealing clause.

APPROVED, July 2, 1864.

CHAP. CCXXXVII.—*An Act further to regulate and provide for the enrolling and calling out the National Forces, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may, at his discretion, at any time hereafter call for any number of men as volunteers for the respective terms of one, two, and three years for military service; and any such volunteer, or, in case of draft, as hereinafter provided, any substitute, shall be credited to the town, township, ward of a city, precinct, or election district, or of a county not so subdivided, towards the quota of which he may have volunteered or engaged as a substitute; and every volunteer who is accepted and mustered into the service for a term of one year, unless sooner discharged, shall receive, and be paid by the United States, a bounty of one hundered dollars; and if for a term of two years, unless sooner discharged, a bounty of two hundred dollars; and if for a term of three years, unless sooner discharged, a bounty of three hundred dollars; one third of which bounty shall be paid to the soldier at the time of his being mustered into the service, one third at the expiration of one half of his term of service, and one third at the expiration of his term of service; and in case of his death while in service, the residue of his bounty unpaid shall be paid to his widow, if he shall have left a widow; if not, to his children, or if there be none, to his mother, if she be a widow. The President may call for any number of volunteers for one, two, or three years. Volunteers or substitutes, how to be credited. Bounty; how paid in case of death.

SEC. 2. *And be it further enacted*, That in case the quota, or any part thereof, of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof, which may be unfilled; and in case of any such draft no payment of money shall be accepted or received by the government as commutation to release any enrolled or drafted man from personal obligation to perform military service. If quota is not filled within fifty days after the call, draft to be ordered. No commutation allowed.

SEC. 3. *And be it further enacted*, That it shall be lawful for the executive of any of the states to send recruiting agents into any of the states declared to be in rebellion, except the states of Arkansas, Tennessee, and Louisiana, to recruit volunteers under any call under the provisions of this act, who shall be credited to the state, and to the respective subdivisions thereof, which may procure the enlistment. Recruiting by executives of states allowed in states declared to be in rebellion, except, &c. [Repealed, *Post*, p. 491.]

SEC. 4. *And be it further enacted*, That drafted men, substitutes, and volunteers, when mustered in, shall be organized in, or assigned to, regiments, batteries, or other organizations of their own states, and, as far as practicable, shall, when assigned, be permitted to select their own regi- Organization of drafted men.

ments, batteries, or other organizations from among those of their respective states which at the time of assignment may not be filled to their maximum number.

Discharge of minors.

Construction of act 1864, ch. 13, § 20. *Ante*, p. 10. 1863, ch. 75. Vol. xii. p. 731.

SEC. 5. *And be it further enacted*, That the twentieth section of the act entitled, "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved February twenty-four, eighteen hundred and sixty-four, shall be construed to mean that the Secretary of War shall discharge minors under the age of eighteen years under the circumstances and on the conditions prescribed in said section; and hereafter, if any officer of the United States shall enlist or muster into the military service any person under the age of sixteen years, with or without the consent of his parent or guardian, such person so enlisted or recruited shall be immediately discharged upon repayment of all bounties received; and such recruiting or mustering officer who shall knowingly enlist any person under sixteen years of age, shall be dismissed the service, with forfeiture of all pay and allowances, and shall be subject to such further punishment as a court-martial may direct.

Persons enlisted under sixteen to be discharged.

Penalty for knowingly enlisting such persons.

Draft to be made for 100 per cent. more than quota. 1864, ch. 13, § 3. *Ante*, p. 6.

SEC. 6. *And be it further enacted*, That section three of an act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, amended, so as to authorize and direct district provost-marshals, under the direction of the provost-marshal general, to make a draft for one hundred per centum in addition to the number required to fill the quota of any district as provided by said section.

Transportation to and from rendezvous.

SEC. 7. *And be it further enacted*, That instead of travelling pay, all drafted persons reporting at the place of rendezvous shall be allowed transportation from their places of residence; and persons discharged at the place of rendezvous shall be allowed transportation to their places of residence.

Certain persons in naval service, &c., to be credited.

SEC. 8. *And be it further enacted*, That all persons in the naval service of the United States who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward, or state, by reason of their being in said service and not enrolled prior to February twenty-fourth, eighteen hundred and sixty-four, shall be enrolled and credited to the quotas of the town, ward, district, or state, in which they respectively reside, upon satisfactory proof of their residence made to the Secretary of War.

Persons absent from home when drafted to be notified.

Not to be deemed a deserter until, &c.

SEC. 9. *And be it further enacted*, That, if any person duly drafted shall be absent from home in prosecution of his usual business, the provost-marshal of the district shall cause him to be duly notified as soon as may be, and he shall not be deemed a deserter, nor liable as such, until notice has been given to him, and reasonable time allowed for him to return and report to the provost-marshal of his district; but such absence shall not otherwise affect his liability under this act.

Act of 1864, ch. § 17, not altered. *Ante*, p. 9.

SEC. 10. *And be it further enacted*, That nothing contained in this act shall be construed to alter, or in any way affect, the provisions of the seventeenth section of an act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March third, eighteen hundred and sixty-three.

Substitutes may be furnished.

SEC. 11. *And be it further enacted*, That nothing contained in this act, shall be construed to alter or change the provisions of existing laws relative to permitting persons liable to military service to furnish substitutes.

APPROVED, July 4, 1864.

CHAP. CCXXXVIII. — *An Act to repeal a Joint Resolution entitled "Joint Resolution to grant additional Rooms to the Agricultural Department," and for other Purposes.* July 4, 1864.

Pub. Res. No. 63.

Post, p. 415. Resolution granting rooms to the agricultural department repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to grant additional rooms to the agricultural department," be, and the same is hereby, repealed.

Rooms for the commissioner of agriculture.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and directed to assign for the temporary use of the commissioner of agriculture such rooms in the Interior Department suitable for the business of said commissioner, and necessary to enable him to perform efficiently the business of said office, as can be so appropriated with the least inconvenience to the transaction of other public business.

Commissioner may rent suitable rooms for his office.

Appropriation for rent.

Proviso.

SEC. 3. *And be it further enacted*, That the commissioner of agriculture is authorized to rent suitable rooms for the accommodation of his office, and to make necessary improvements, and to pay the rent of the same for one year, the sum of three thousand five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated: *Provided*, Such rooms shall not be rented for a period longer than three years.

APPROVED, July 4, 1864.

CHAP. CCXXXIX. — *An Act making an Appropriation to carry into Effect "An Act to prevent Smuggling."* July 4, 1864.

Appropriation to prevent smuggling.

1864, ch. 164. *Ante*, p. 197.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry into effect an act entitled "An act to prevent smuggling, and for other purposes," passed at the present session of congress.

APPROVED, July 4, 1864.

CHAP. CCXL. — *An Act to restrict the Jurisdiction of the Court of Claims, and to provide for the Payment of certain Demands for Quartermasters' Stores and Subsistence Supplies furnished to the Army of the United States.* July 4, 1864.

Jurisdiction of court of claims not to extend to certain claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the court of claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the army or navy, or any part of the army or navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

Claims of certain loyal citizens for quartermasters' stores, how to be settled.

SEC. 2. *And be it further enacted*, That all claims of loyal citizens in states not in rebellion, for quartermasters' stores actually furnished to the army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the quartermaster-general of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the quartermaster-general to cause such claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said army, then to report each case to the third auditor of the treasury, with a recommendation for settlement.

Claims of certain loyal citizens for subsistence furnished

SEC. 3. *And be it further enacted*, That all claims of loyal citizens in states not in rebellion, for subsistence actually furnished to said army, and receipted for by the proper officer receiving the same, or which may have

to the army, how to be settled.

been taken by such officers without giving such receipt, may be submitted to the commissary-general of subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the commissary-general of subsistence to cause each claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by said army, then to report each case for payment to the third auditor of the treasury with a recommendation for settlement.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCXLI. — *An Act to correct a clerical Error in the Law of June thirtieth, eighteen hundred and sixty-four, relating to the Post-Office Department.*

Part of act of 1864, ch. 197, § 16, repealing portion of former act, repealed.
Ante, p. 339.
1863, ch. 71.
Vol. xii. p. 701.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of *thirtieth June*, [first of July] eighteen hundred sixty-four, as repeals the seventeenth, eighteenth, *thirty-fifth*, *thirty-ninth*, and *forty-first* sections of the act of March third, eighteen hundred and sixty-three, entitled "An act to amend the laws relating to the Post-Office Department," be, and the same is hereby, repealed.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCXLII. —*An Act to establish a Branch Mint of the United States at Dalles City, in the State of Oregon.*

Branch mint established at Dalles City, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a branch of the mint of the United States be located and established at Dalles City, in the State of Oregon, for the coinage of gold and silver.

Officers of the branch mint.

Sec. 2. *And be it further enacted*, That, for carrying on the business of the said branch, the following officers shall be appointed, as soon as the public interest shall require their service, upon the nomination of the President, by and with the advice and consent of the Senate, namely: one superintendent, one assayer, and one melter and refiner, and one coiner; and the superintendent shall employ as many clerks, subordinate workmen and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the said officers and clerks shall be as follows: To the superintendent, the sum of two thousand dollars; to the assayer, the sum of eighteen hundred dollars; to the melter and refiner, eighteen hundred dollars; to the clerks, subordinate workmen, and laborers, such wages and allowances as are customary, according to their respective stations and occupations.

Clerks, workmen, &c.

Salaries.

Officers, &c., to take oath.

Sec. 3. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take an oath or affirmation before some judge of the United States or of the supreme court of said state, faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the director of the mint or the district judge of the United States for the district of Oregon and of the Secretary of the Treasury, with the condition of the faithful performance of the duties of their offices.

Branch to be under the control, &c., of the director of the mint.

Sec. 4. *And be it further enacted*, That the general direction of the business of said branch mint of the United States shall be under the control and regulation of the director of the mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said director to prescribe such regulations, and to require such returns, periodically and occasionally, and to establish such charges for parting, assaying, refining, and coining, as shall appear to him to be necessary for the purpose of carrying into effect the

Rules and regulations.

intention of this act in establishing said branch, also for the purpose of preserving uniformity of weight, form, and finish in the coin stamped at said branch.

Branch mint to be a place of deposit for public moneys.

SEC. 5. *And be it further enacted*, That said branch mint shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of said branch mint, who shall perform the duties of treasurer thereof, shall have the custody of the same, and also perform the duties of assistant treasurer; and for that purpose shall be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August six, eighteen hundred and forty-six, which relates to the treasury of the branch mint at New Orleans.

Superintendent to be assistant treasurer.

1846, ch. 90. Vol. ix. p. 59.

Certificates of deposit may be paid for gold dust and bullion.

SEC. 6. *And be it further enacted*, That the superintendent of said branch mint be authorized, under the direction of the Secretary of the Treasury, and on terms to be prescribed by him, to issue in the payment of the gold dust and bullion deposited for assay and coinage, or bars, drafts, or certificates of deposit, payable at the treasury, or any subtreasury of the United States, to any depositor electing to receive payment in that form.

Laws for regulation of mint, &c., to apply to this branch.

SEC. 7. *And be it further enacted*, That all the laws and parts of laws now in force for the regulation of the mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offences connected with the mint or coinage of the United States, shall be, and they are hereby, declared to be in full force in relation to the branch of the mint by this act established, as far as the same may be applicable thereto.

Appropriation to carry act into effect.

SEC. 8. *And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of this act, and to meet the expenses of the current year, and for the fiscal year ending the thirtieth day of June, 1865.

APPROVED, July 4, 1864.

CHAP. CCXLIII. — *An Act to regulate Proceedings in Cases between Landlord and Tenants in the District of Columbia.* July 4, 1864.

Tenancy at will and by sufferance;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a tenancy at will shall not arise or be created without an express contract or letting to that effect, and that all occupation, possession, or holding of any messuage or real estate without express contract or lease, or by such contract or lease the terms of which have expired, shall be deemed and held to be tenancies by sufferance; and all estates at will and sufferance may be determined by a notice, in writing, to quit, of thirty days, delivered to the tenant in hand, or to some person of proper age upon the premises, or in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read. The attornment of a tenant to a stranger shall be void, and shall not affect the rights of the landlord, unless it be made with the consent, express or implied, of the landlord: *Provided*, That no part of this section other than that which relates to attornment of a tenant to a stranger shall apply to contracts made, or to any tenancy existing prior to the passage of this act, except in cases of waste, or refusal to pay rent.

may be determined by what notice, and how served.

In cases of forcible entry, or detainer, &c.

SEC. 2. *And be it further enacted*, That when forcible entry is made, or when a peaceable entry is made and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease by its own limitation, or by notice to quit, or otherwise, on written complaint on oath of the person entitled to the

Summons to issue, &c.

premises, to a justice of the peace, charging a forcible entry or detainer of real estate as aforesaid, a summons may be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him, which shall be served like other writs of summons at least seven days before his appearance. If it appears by default or upon trial that the complainant is entitled to the possession of the premises, he shall have judgment and execution for the possession and costs; if the complainant becomes nonsuit and fails to prove his right to possession, the defendant shall have judgment and execution for his costs.

Proceedings if at trial defendant pleads title.

Sec. 3. *And be it further enacted*, That if, upon trial, defendant pleads title to the premises in himself, or in another person under whom he claims the premises, he shall recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages and costs and reasonable intervening rent for the premises; and the complainant shall in like manner recognize to the defendant conditioned to enter the suit at the next term of the supreme court of the district, and pay all costs adjudged against him; and thereupon the proceedings shall be certified to said court by the justice. If either party neglects so to recognize, judgment shall be rendered against him as on nonsuit or default, and execution shall issue accordingly as aforesaid.

Appeals, and how tried.

Sec. 4. *And be it further enacted*, That either party against which judgment is rendered by a justice of the peace, may appeal from such judgment to the supreme court of the District of Columbia, in the same manner as appeals are taken to the said court in other cases; but in case of an appeal by a defendant, he shall, in addition to the bail required in other cases, recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages to the leased property resulting from waste and intervening rent for the premises; and such appeals shall be tried in the same manner and further proceedings had therein according to the practice in appeals in other cases in said court.

If defendant appeals, in addition to other bail, he must recognize to pay intervening damages.

Damages for complainant, if, &c.

Sec. 5. *And be it further enacted*, That on the trial of said suit in the supreme court of the district, if the jury find for complainant, they shall assess the damages and intervening rent; and in case of default the same shall be assessed by the court.

Fees of justice and officer.

Sec. 6. *And be it further enacted*, That the fees of the justice issuing the process, and hearing the issue, and making up the record, and certifying the same, and the officer for serving the process, shall be those allowed in civil causes.

Repeal of inconsistent acts.

Sec. 7. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCXLIV. — *An Act to provide for the Supervision, Repairs, Liabilities, and Completion of the Washington Aqueduct.*

Appropriation for dam, &c., for Washington aqueduct.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and fifty thousand dollars be, and the same is, hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of constructing the dam of solid masonry across the Maryland branch of the Potomac River, near the Great Falls, and for constructing the conduit around the Receiving *Resavoir* [Reservoir], and for paying existing liabilities and expenses, engineering, superintendence, and repairs of said aqueduct.

Approved, July 4, 1864.

CHAP. CCXLV. — *An Act to regulate the Sessions of the Circuit and District Courts for the Northern District of New York, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times now fixed by law for holding district courts of the United States for the northern district of New York, the said court shall hereafter be held at the following times and places, that is to say, at the city of Albany on the third Tuesday of January; at the city of Utica on the third Tuesday in March; at the city of Rochester on the second Tuesday in May; at the city of Buffalo on the third Tuesday in August; at the city of Auburn on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and in such place, within the counties of St. Lawrence, Clinton, Jefferson, Oswego, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least twenty days, to be published in the state paper of the State of New York, and also in one newspaper published at the place where the said court is to be held, which term shall be held only for the trial of issues of fact arising within the said counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, he shall deem necessary. Times and places of holding district courts in the northern district of New York.

SEC. 2. *And be it further enacted*, That instead of the times and places now provided by law for holding the terms of the circuit court of the United States for the northern district of New York, the said circuit court shall be held at the times and places following, that is to say: at the village of Canandaigua on the third Tuesday in June, at the city of Albany on the second Tuesday in October; and the term of said court appointed by this act to be held at the city of Albany in October shall, when it is adjourned, be adjourned to meet in the city of Albany the third Tuesday in January, and that the adjournment of said adjour[n]ed term shall be further adjourned to meet at the city of Utica on the third Tuesday in March, and the said adjourned term shall be held for the transaction of civil business only; and no jury shall be drawn for service therein exclusively, but the jury drawn to serve in the district court at the same time and place of the said adjourned terms of said circuit shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury and all proceedings upon the trial of said issues shall be as valid and of the same effect as if the said jury had been drawn to serve in the said circuit court. Times and places of holding circuit court in the northern district of New York.

SEC. 3. *And be it further enacted*, That no process issued or proceedings pending in either of said courts shall be avoided or impaired by the change of time and place of holding such court; but all process, bail bonds, and recognizances returnable at the next term of either of said courts, shall be returnable and returned to the said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act. Pending process in other court not avoided or impaired.

SEC. 4. *And be it further enacted*, That in place and in lieu of the salary now paid to the judge of the district court of the United States for the northern district of New York, there shall be allowed and paid quarterly to said judge, out of the treasury of the United States, the sum of three thousand five hundred dollars per year. Salary of judge.

APPROVED, July 4, 1864.

CHAP. CCXLVI. — *An Act to encourage Immigration.* July 4, 1864.

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

Commissioner of immigration to be appointed.

Term of office and salary.

Clerks.

United States is hereby authorized, by and with the advice and consent of the Senate, to appoint a commissioner of immigration, who shall be subject to the direction of the Department of State, shall hold his office for four years, and shall receive a salary at the rate of two thousand five hundred dollars a year. The said commissioner may employ not more than three clerks, of such grade as the Secretary of State shall designate, to be appointed by him, with the approval of the Secretary of State, and to hold their offices at his pleasure.

Contracts by emigrants pledging their wages to repay expenses of emigration valid, and may be enforced.

Advances may, if, &c., be a lien upon land after acquired by the emigrant.

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several states and territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

No emigrant to be enrolled for military service, unless, &c.

SEC. 3. *And be it further enacted*, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under oath his allegiance to the country of his birth, and declare his intention to become a citizen of the United States.

Emigrant office to be established in New York.

Superintendent of immigration.

Salary.

Clerk.

Powers and duties of superintendent.

SEC. 4. *And be it further enacted*, That there shall be established in the city of New York an office to be known as the United States Emigrant Office; and there shall be appointed, by and with the advice and consent of the Senate, an officer for said city, to be known as superintendent of immigration, at an annual salary of two thousand dollars; and the said superintendent may employ a clerk of the first class; and such superintendent shall, under the direction of the commissioner of immigration, make contracts with the different railroads and transportation companies of the United States for transportation tickets, to be furnished to such immigrants, and to be paid for by them, and shall, under such rules as may be prescribed by the commissioner of immigration, protect such immigrants from imposition and fraud, and shall furnish them such information and facilities as will enable them to proceed in the cheapest and most expeditious manner to the place of their destination. And such superintendent of immigration shall perform such other duties as may be prescribed by the commissioner of immigration: *Provided*, That the duties hereby imposed upon the superintendent in the city of New York shall not be held to effect the powers and duties of the commissioner of immigration of the State of New York; and it shall be the duty of said superintendent in the city of New York to see that the provisions of the act commonly known as the passenger act are strictly complied with, and all breaches thereof punished according to law.

Certain persons not to be officers under this act.

SEC. 5. *And be it further enacted*, That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its territories, or to any part thereof, or who shall receive any fee or reward, or the promise thereof, for any service performed, or any benefit rendered, to any person or persons in the line of his duty under this act. And if any officer provided for by this act shall receive from any person or company any fee or reward, or promise thereof,

for any services performed or any benefit rendered to any person or persons in the line of his duty under this act, he shall, upon conviction, be fined one thousand dollars, or be imprisoned, not to exceed three years, at the discretion of a court of competent jurisdiction, and forever after be ineligible to hold any office of honor, trust, or profit in the United States.

Penalty on officer receiving any fee, &c., for official services.

SEC. 7. *And be it further enacted*, That said commissioner of immigration shall, at the commencement of each annual meeting of congress, submit a detailed report of the foreign immigration during the preceding year, and a detailed account of all expenditures under this act.

Report to congress, &c.

SEC. 8. *And be it further enacted*, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, in the judgment of the President, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Appropriation to carry act into effect.

APPROVED, July 4, 1864.

CHAP. CCXLVII. — *An Act supplementary to an Act entitled "An Act to grant Pensions," approved July fourteenth, eighteen hundred and sixty-two.*

July 4, 1864.

1862, ch. 166. Vol. xii. p. 566.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the commissioner of pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

Biennial examinations of pensioners, how may be made. 1859, ch. 88, § 2. Vol. xi. p. 439.

SEC. 2. *And be it further enacted*, That all fees paid to examining surgeons for biennial examinations, or for examinations specially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the commissioner of pensions may prescribe.

Fees paid surgeons for biennial examinations to be refunded. 1862, ch. 166, § 8. Vol. xi. p. 568.

SEC. 3. *And be it further enacted*, That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the commissioner of pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

Declarations of pension claimants to be made before court of record.

Proviso.

SEC. 4. *And be it further enacted*, That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed; and the commissioner of pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the pension-office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

Section 12 of act of 1862, ch. 166, repealed. Vol. xii. p. 569.

Clerks to investigate suspected attempts to defraud.

SEC. 5. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who under the same conditions have lost both hands or both eyes shall be entitled to a pension of twenty-five dollars per month.

Pensions to those who have lost both feet; both hands or eyes.

SEC. 6. *And be it further enacted*, That no pension claim now on file,

Pension claims on file, and those hereafter filed, to be prosecuted within what time.

unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed, not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

Pension to widow to terminate upon her remarriage, &c.

SEC. 7. *And be it further enacted*, That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

Examining surgeons may be required to make special examinations of pensioners.

SEC. 8. *And be it further enacted*, That examining surgeons, duly appointed by the commissioner of pensions, may be required by him, from time to time, as he shall deem for the interests of the government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial. But when injustice is alleged to have been done by any examination so ordered, the commissioner of pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Examining board.

Pay.

Volunteers, not enlisted, disabled by wounds, to have benefits of pension laws.

SEC. 9. *And be it further enacted*, That those persons, not enlisted soldiers in the army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle, in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service. And the widows, or other dependents, of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the commissioner of pensions may prescribe, most effectually to guard against fraud.

Their widows and dependents.

Claims to be presented within three years.

Any person entitled to an invalid pension, and dying while application is pending, his widow, &c., to receive it.

1862, ch. 166. Vol. xii. p. 566.

Post, p. 500.

SEC. 10. *And be it further enacted*, That if any person entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteen, eighteen hundred and sixty-two, has died, or shall hereafter die, while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act, and the act to which this is amendatory.

Enlisted soldiers, disabled, to have benefit of pension laws, though not mustered in.

SEC. 11. *And be it further enacted*, That all enlisted soldiers in the army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered

into the United States service; and the widows or other dependents entitled to pensions by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service. Their widows and dependents.

SEC. 12. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the pension-office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the pension-office, with the requisite correspondence, ten dollars; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two, are hereby repealed. Fees of pension agents and attorneys not to exceed, &c. Repeal of §§ 6, 7, act 1862, ch. 166. Vol. xii. p. 568.

SEC. 13. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract, or agree to prosecute, any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence. Penalty upon agent, &c., who shall receive greater fees, &c.

SEC. 14. *And be it further enacted*, That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died, or may hereafter die, of wounds received in battle, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceeding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided, however*, That such widow and children are free persons: *Provided, further*, That if such parties resided in any state in which their marriage may have been legally solemnized, the usual evidence shall be required. Widows, &c., of colored soldiers may receive pensions upon what proof of marriage. Marriage, when to be proved as usual.

SEC. 15. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal of inconsistent laws.

APPROVED, July 4, 1864.

CHAP. CCXLVIII.—*An Act for the Relief of Seamen and Others borne on the Books of Vessels wrecked or lost in the Naval Service.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the navy, which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been de- Day when the loss of a missing vessel of the navy shall be deemed to have occurred how may be determined.

stroyed or lost, with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed and taken to have occurred.

Accounts of petty officers, seamen, &c., on such vessel, how to be settled.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the said accounting officers are hereby authorized to adjust and settle said accounts on principles of equity and justice; and to allow and pay to each person, not an officer, employed on a vessel so sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars as compensation for loss of his personal effects.

Compensation to be paid for loss of personal effects.

If such petty officer or seaman is dead, payment to be made to his widow, &c., and from what money.

SEC. 3. *And be it further enacted*, That in case of the death of such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, brothers and sisters, (jointly,) in that order of preference, under such rules as the second comptroller of the treasury may prescribe; such credits and gratuity to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCXLIX. — *An Act further to regulate the Carriage of Passengers in Steamships and other Vessels.*

Term "contiguous territory" not to extend to certain ports. 1855, ch. 213, § Vol. x. p. 715.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "contiguous territory," in the first section of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March three, eighteen hundred and fifty-five, shall not be held to extend to any port or place connecting with any inter-oceanic route through Mexico.

Provisions of § 11 of act of 1855, ch. 213, extended. Vol. x. p. 719.

SEC. 2. *And be it further enacted*, That the provisions of the eleventh section of said act be, and the same are hereby, extended to all vessels whose passengers, or any part of them, are or shall be bound from or to any of the ports or places therein mentioned, by way of any overland route or routes through Mexico or Central America.

Three copies of inspectors' certificates to be given masters, &c.

1852, ch. 106, § 25. Vol. x. p. 71.

SEC. 3. *And be it further enacted*, That hereafter there shall be delivered to masters or owners of vessels three copies of the inspectors' certificates directed to be given them by collectors or other chief officers of the customs, by the twenty-fifth section of the act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam,' and for other purposes," approved August thirty, eighteen hundred and fifty-two, one of which copies shall be placed, and at all times kept, by said masters or owners, in some conspicuous place in the vessel, where it will be most likely to be discovered by steerage passengers, and the others as now provided by law; and the penalty for neglecting or refusing to place and keep up such additional copy shall be the same as is provided by the said twenty-fifth section in the other cases therein mentioned.

One to be kept in a conspicuous place in the vessel.

Penalty.

List of passengers to be open to inspection.

After clearance and before sailing, master to file

SEC. 4. *And be it further enacted*, That the list of passengers required to be kept by section thirty-five of the said act of August thirty, eighteen hundred and fifty-two, shall also be open to the inspection of any passenger during all reasonable hours; and that after any clearance is granted, but before the vessel shall be allowed to depart, the master or other person in

charge of such vessel, carrying passengers, shall file with the collector, or other officer of the customs granting the clearance, a list, verified by the oath of the master, or other agent, or owner of the vessel, of all passengers received, or to be received, on the vessel so cleared, for conveyance during the proposed voyage, designating cabin and *and* steerage passengers distinctly; and on the receipt by such customs officer on the full list so verified, a departure permit shall be given, without which no vessel conveying passengers shall go to sea; and such departure permit shall be shown to the pilot of each vessel before he shall have authority to take the vessel to sea; and any pilot who shall, without such authority being shown to him, pilot a vessel to sea, shall be subject to a fine of one hundred dollars, and a revocation of his license.

Sworn passenger list with collector.

Departure permit;

to be shown pilot.

Penalty upon pilot, if, &c.

SEC. 5. *And be it further enacted*, That the master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers required to be kept on such vessel by said section thirty-five of the act of August thirty, eighteen hundred and fifty-two, embracing all the passengers on board the vessel at any time during its voyage up to its said arrival, and duly verified by the oath of such master or commander, and by the inspection of the consul, vice-consul, or commercial agent, previous to or at the landing of the passengers; one of which copies the said consul, vice-consul, or commercial agent shall file in his office, and the other of which he shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared. And if such master or commander shall refuse or neglect to comply with the requirements of this section, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand dollars, and such fine shall be a lien upon the vessel until paid.

Master of passenger vessel, &c., at port in Mexico, &c., to give to consul two copies of lists of passengers.

Disposition of the copies.

Penalty for neglect.

SEC. 6. *And be it further enacted*, That the provisions of section twelve of the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July seventh, eighteen hundred and thirty-eight, be, and the same are hereby, extended to the owner or owners of any steamboat or other vessel propelled in whole or in part by steam, and to all public officers, by, or in consequence of, whose fraud, connivance, misconduct, or violation of law, the life or lives of any person or persons on board such steamboat or vessel may be destroyed.

Provisions of § 12 of act of 1838, ch. 191, extended.

Vol. v. p. 306.

SEC. 7. *And be it further enacted*, That if the owner or owners, master, commander, or other person in charge of any steamboat or other vessel, shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years; and the vessel shall be liable to seizure and forfeiture.

Penalty upon owner, &c., for presenting false lists of passengers.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall cause to be prepared a synopsis of such of the laws relating to the carriage of passengers, and their safety on vessels propelled in whole or in part by steam, as he shall think expedient, and have the same printed in convenient form to be framed under glass, and give to any such vessel two copies, on application of its owners or master, who shall, without unnecessary delay, have the same framed under glass, and place and keep them in conspicuous places in such vessel, in the same manner as is provided by law in regard to certificates of inspectors; and no clearance shall be issued to such vessel until the collector or other chief [officer] of the customs shall be satisfied that the provisions of this section shall have been complied

Synopsis of passenger laws to be printed, &c.;

to be kept in conspicuous place on board vessel.

Clearance not to be issued until, &c.

with by such owners or master; and in case such owners or master shall neglect or refuse to comply with provisions of this section, he or they shall furthermore forfeit and pay for each offence one hundred dollars, and such fine shall be a lien upon the vessel until paid.

Forfeiture.

Informers entitled to half of penalty, &c.

SEC. 9. *And be it further enacted*, That informers shall be entitled to one half of any penalty or fine collected under this act, or the said act of March third, eighteen hundred and fifty-five, upon their information.

Steamers bound to or from foreign ports shall receive on board certain gold, &c.

SEC. 10. *And be it further enacted*, That all steamers and other vessels belonging to a citizen or to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities as the government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or otl er agent of the United States abroad shall offer, and shall securely co nvey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCL. — *An Act to pay, in Part, for publishing the Debates of Congress, and for other Purposes.*

Set of Congressional Globe and Appendix for each senator, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretary of the Senate and the clerk of the House of Representatives be, and they are hereby, directed to purchase from the publishers of the Congressional Globe and Appendix, for each senator, representative, and delegate in the present and each succeeding congress, who has not heretofore received the same, one complete set of the Congressional Globe and Appendix.

Pay to publishers of Globe and Appendix for extra pages.

SEC. 2. *And be it further enacted*, That there shall be paid to the publishers of the Congressional Globe and Appendix, by the secretary of the Senate and the clerk of the House of Representatives, out of the contingent funds of the two houses, according to the number of copies of the Congressional Globe and Appendix taken by each, one cent for every five pages exceeding three thousand pages for a long session, or fifteen hundred pages for a short session, including the indexes and the laws of the United States for this and each future congress.

Appropriation, how disbursed.

SEC. 3. *And be it further enacted*, That the sum of ninety-eight thousand five hundred and forty-four dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purposes herein named for the present congress; and that thirty thousand four hundred and twenty-four dollars of the same be disbursed by the secretary of the Senate, and the remainder by the clerk of the House of Representatives.

Repealing clause.

Either party may abrogate these provisions by two years' notice.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed: *Provided, however*, That the above provisions are made upon the express condition that they may be abrogated by either congress or the publishers of the Congressional Globe and Appendix at any time after giving two years' notice for that purpose.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCLI. — *An Act making an Appropriation for testing Submarine Inventions.*

Appropriation for testing certain submarine inventions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars is hereby appropriated for the purpose of testing submarine batteries and other inventions, to be applied under the direction

of the Secretary of the Navy to experiment upon such devices for submarine operations as may be recommended as worthy of practical test by a commission of competent naval officers and scientific men, now or hereafter to be organized for their examination.

APPROVED, July 4, 1864.

CHAP. CCLII. — *An Act to authorize the Secretary of the Navy to provide for the Education of Naval Constructors and Steam Engineers, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to provide, by regulations to be issued by him, for the education of such midshipmen or others at the Naval Academy as show a peculiar aptitude therefor as naval constructors, or civil and steam engineers, and may form a separate class for this purpose, *to* be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for such professions. Education of naval constructors and steam engineers. Cadet engineers.

SEC. 2. *And be it further enacted*, That, upon the recommendation of the academic board, such persons connected with the scientific and mechanical class as graduate therein with credit, may be immediately appointed as assistant naval constructors or warranted as engineers. Appointments of such persons.

SEC. 3. *And be it further enacted*, That cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy: *Provided*, That no person, other than midshipmen, shall be eligible for such appointment who shall not produce satisfactory evidence of mechanical skill and proficiency, and that he has been employed at least two years in the actual fabrication of steam machinery. Number and appointment.

SEC. 4. *And be it further enacted*, That cadet engineers, when appointed, shall be under eighteen years of age, and shall have passed a mental and physical examination. They shall be admitted to the Naval Academy, where they shall be examined from time to time, according to the regulations prescribed by the Secretary of the Navy; and if found deficient at any examination, or dismissed for misconduct, they shall not be continued in the academy, or in the service, except upon recommendation of the academic board. Age. Examination. May be admitted to naval academy.

SEC. 5. *And be it further enacted*, That the academic course of cadet engineers shall be two years, and their pay the same as that of midshipmen. Length of academic course.

SEC. 6. *And be it further enacted*, That the number of chief engineers shall not exceed one for each first and second rate vessel in the navy, with such first, second, and third assistant engineers, or those acting as such, as the wants of the service actually require. And that, from and after the passage of this act, the annual pay of the engineer officers of the navy, on the active list, shall be as follows: — Number of chief and assistant engineers for vessels. Pay of engineer officers of navy; of chief engineer.

Every chief engineer on duty, for the first five years after the date of his commission, two thousand two hundred dollars.

For the second five years after the date of his commission, two thousand five hundred dollars.

For the third five years after the date of his commission, two thousand eight hundred dollars.

After fifteen years after the date of his commission, three thousand dollars.

Every chief engineer on leave or waiting orders, for the first five years after the date of his commission, one thousand five hundred dollars.

For the second five years after the date of his commission, one thousand six hundred dollars.

For the third five years after the date of his commission, one thousand seven hundred dollars.

After fifteen years after the date of his commission, one thousand eight hundred dollars.

Pay of first assistant engineer; Every first assistant engineer on duty, one thousand five hundred dollars.

While on leave or waiting orders, one thousand one hundred dollars.

of second assistant engineer; Every second assistant engineer on duty, one thousand two hundred dollars.

While on leave or waiting orders, nine hundred dollars.

of third assistant engineer. Every third assistant engineer on duty, one thousand dollars.

While on leave or waiting orders, eight hundred dollars.

Where articles are bid for in classes, certain bids may be rejected. SEC. 7. *And be it further enacted*, That section two of joint resolution "authorizing the Secretary of the Navy to adjust the equitable claims of contractors for naval supplies, and regulating contracts with the Navy Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by adding to the same the following proviso, viz: *Provided*, That where articles are advertised and bid for in classes, and in the judgment of the head of the department, any one or more articles appear to be bid for at excessive or unreasonable prices exceeding ten per centum above their fair market-value, he shall be authorized to reject such bid.

Vol. xii. p. 828.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCLIII. — *An Act to provide for the better Organization of the Quartermaster's Department.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the office of the quartermaster-general of the army, to exist during the present rebellion and one year thereafter, the following divisions, each of which shall be placed in the charge of a competent officer of the quartermaster's department, to be assigned to such duty by the Secretary of War, who shall, under such rules as may be prescribed by the quartermaster-general, with the approval of the Secretary of War, transact the business of such division as hereinafter provided, to wit: —

Organization of quartermaster's department.

Certain divisions established.

1st division. The first division shall have charge of the purchase, procurement, and disposition of horses and mules for cavalry, artillery, wagon and ambulance trains, and all other purposes for which horses or mules may be procured for the armies of the United States.

2d division. The second division shall have charge of the purchase, procurement, issue, and disposition of cloth and clothing, knapsacks, camp and garrison equipage, and all accoutrements of the soldier which are provided by the quartermaster's department.

3d division. The third division shall have charge of the purchase, charter, hire, and maintenance of all vessels to be used in the transportation of the army, and of prisoners of war, and of their supplies, on the ocean, and the bays and sounds connected therewith, and upon the northern and northwestern lakes, including all vessels propelled by steam or otherwise, owned or employed by the War Department, excepting river steam-vessels and barges upon the western rivers.

4th division. The fourth division shall have charge of the purchase, charter, hire, maintenance, and procurement of all transportation for the army, and its supplies by land and upon the western rivers, (other than transportation by animal power in the field, and at camps, garrisons, posts, depots, and stations,) including all railroad and telegraph lines operated by the United States for military purposes, and of all steam rams and gunboats owned or employed by the War Department upon the western rivers, until other disposition shall be made of them by competent authority.

5th division. The fifth division shall have charge of the purchase, procurement, issue, and disposition of forage and straw for the army.

Quartermaster's department.

The sixth division shall have charge of the erection, procurement, maintenance, disposition, and so forth, of all barracks, hospital buildings, storehouses, stables, bridges, (other than railroad bridges,) wharves, and other structures composed in whole or in part of lumber, and of all lumber, nails, and hardware for building purposes; and of the hire and commutation of quarters for officers, the hire of quarters for troops, the hire of grounds for cantonments, or other military purposes, and the repair and care of all buildings and other structures herein mentioned, and of all grounds owned, hired, or occupied for military purposes, except such as are lawfully under the charge of other bureaus of the War Department; and of extra pay to soldiers employed in erecting barracks, or other fatigue duty, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four.

6th division.

7th division.

The seventh division shall have charge of the purchase, procurement, issue, and disposition of all wagons, ambulances, travelling forges and harness, (except such as are furnished by the ordnance department,) and of all hardware except as hereinbefore provided; and of all fuel for officers and enlisted men, camps, garrisons, hospitals, posts, storehouses, offices, public transports, steam-rams, and army gunboats, and of all transportation by animal power in the field, at camps, garrisons, posts, depots, and stations; and of the construction and repair of roads other than railroads; and of the compensation of wagon and forage masters, and of clerks to officers of the quartermaster's department; and of the purchase of heating and cooking stoves; and of the expenses of courts-martial, military commissions, and courts of inquiry; and of mileage and allowances to officers for the transportation of themselves and their baggage when travelling upon duty without troops, escorts, or supplies, and of supplies for prisoners of war and such refugees as the Secretary of War may direct to be temporarily provided for; and of the purchase of stationery, blanks and blank books for the quartermaster's department; and of the printing of the division and department orders and reports; and of the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other division or department.

8th division.

The eighth division shall have charge of all inspections of the quartermaster's department, and of all reports made by officers assigned to inspection duty, analyzing and preserving the reports as received, and communicating through the quartermaster-general, to the chiefs of the proper divisions such portions of these reports as may be necessary for their information and use: *Provided*, That the officers assigned to inspection duty shall have power not only to report and to point out any errors or abuses which they may discover in the practical operations of the quartermaster's department, but to give, by order of the quartermaster-general, the orders which may be immediately necessary to correct and to prevent a continuance of such abuses or errors: *Provided, further*, That all such orders shall be immediately reported to the chief of the inspection division for the approval, or otherwise, of the quartermaster-general.

Power of inspecting officers.

Proviso.

9th division.

The ninth division shall have charge of all the correspondence, returns, reports, and records received, filed, and preserved in the office of the quartermaster-general, and of the transmission thereof to the several other divisions of this office, and departments of the government.

Heads of several divisions to advertise for proposals for supplies.

SEC. 2. *And be it further enacted*, That the heads of the several divisions above mentioned shall, under the direction of the quartermaster-general, from time to time, advertise for proposals for the supplies necessary for the movements and operations of the several armies, posts, detachments, garrisons, hospitals, and for other military purposes, in newspapers having general circulation in those parts of the country where such supplies can be most advantageously furnished, having regard also to the places where such supplies are to be delivered and used; and all

Supplies to be inspected.

such supplies, so purchased or contracted for, shall be subject to careful inspection, and all clothing and camp and garrison equipage, shall be subject to a double inspection, first, as to the quality of the material, and second, as to the kind and character of the workmanship, which inspection shall in all cases be performed by a competent inspector, with suitable assistants, who shall have had ample experience in the inspection of cloth, clothing, knapsacks, camp and garrison equipage; and all payments for supplies so purchased shall be made under the direction of the officers in charge of the several divisions above mentioned, upon receipts or certificates from the officers inspecting and receiving such supplies, prepared in such form and attested in such manner as may be prescribed by the quartermaster-general.

Payments for supplies, how made.

Depots for receiving and distributing supplies for armies in the field.

SEC. 3. *And be it further enacted*, That it shall be the duty of the quartermaster-general to establish depots, from time to time, at places convenient to the principal armies in the field, for receiving and distributing the supplies necessary for such armies, and for the detachments, posts, and hospitals most accessible to such depots; and the business of inspecting, weighing, measuring, and receiving supplies for such armies, detachments, posts, and hospitals, and of giving receipts or certificates therefor to the persons furnishing such supplies, shall be carried on as far as practicable at such depots; but the quartermaster-general, or the heads of the several divisions above mentioned, may cause such supplies to be sent from the place of purchase directly to the quartermasters of the commands for whose use they are procured, in any cases where it may be more economical or advantageous so to do; and in cases where horses, mules, clothing, or camp and garrison equipage may be so sent, suitable and competent inspectors shall be sent to examine the same before they shall be issued and receipted for.

In emergencies, supplies may be obtained without advertisement.

SEC. 4. *And be it further enacted*, That when an emergency shall exist requiring the immediate procurement of supplies for the necessary movements and operations of an army or detachment, and when such supplies cannot be procured from any established depot of the quartermaster's department, or from the head of the division charged with the duty of furnishing such supplies, within the required time, then it shall be lawful for the commanding officer of such army or detachment to order the chief quartermaster of such army or detachment to procure such supplies during the continuance of such emergency, but no longer, in the most expeditious manner, and without advertisement; and it shall be the duty of such quartermaster to obey such order; and his accounts of the disbursement of moneys for such supplies shall be accompanied by the order of the commanding officer as aforesaid, or a certified copy of the same, and also by a statement of the particular facts and circumstances, with their dates, constituting such emergency.

Quartermaster-general to require monthly statements of supplies on hand, and estimates.

SEC. 5. *And be it further enacted*, That it shall be the duty of the quartermaster-general, immediately after the passage of this act, and at least once in every month thereafter, to require from the principal quartermasters of the several military departments and depots, approximate statements of the aggregate amounts of supplies on hand, and estimates of the additional amounts required for the service for the ensuing month, stating at what places such supplies will be required, and what amounts are legally contracted for but not yet delivered. And it shall be the duty of the heads of the several divisions above mentioned to cause to be made purchases or contracts for the supplies which the quartermaster-general may estimate to be necessary in accordance with law, and all quartermasters shall forthwith report to the quartermaster-general, to be referred to the heads of the several divisions above mentioned, all contracts not yet fulfilled which they may have executed on behalf of the United States, and all proposals which they may have received in answer to advertisements for future supplies, and shall hereafter regularly report to the

quartermaster-general copies of all contracts made and all proposals received for supplies of any kind to be furnished. And if any quartermaster shall neglect or refuse, for the space of one month, to report to the quartermaster-general any such contract or proposal, such neglect or refusal shall be deemed prima facie evidence of fraud, and the pay of such quartermaster shall be stopped until he shall have made a satisfactory explanation to the Secretary of War of such neglect or refusal.

Copies of contracts and proposals.

Penalty for neglecting, &c., to report contracts, &c.

SEC. 6. *And be it further enacted*, That all inspectors of horses, mules, clothing, fuel, forage, lumber, hired transports, and other supplies of the quartermaster's department, shall be sworn (or affirmed) to perform their duties in a faithful and impartial manner, and shall, for any corruption, wilful neglect, or fraud in the performance of their duties, be liable to punishment by fine and imprisonment, by sentence of court-martial or military commission; and if any contractor or person furnishing such supplies or transportation shall give, or offer to give, to any inspector of such supplies or transportation, or to any other person for his use, directly or indirectly, any money or other valuable consideration, such person giving, or offering to give, such money or other valuable consideration, shall forfeit to the United States the full amount of his contract or contracts with the United States, and the name and offence of such person shall be published in general orders, and also in one newspaper of general circulation nearest to his place of residence.

Inspectors to be sworn.

Penalty for corruption, wilful neglect, &c.

Penalty upon contractor for offering, &c., money, &c., to inspector.

SEC. 7. *And be it further enacted*, That the provisions of the sixteenth section of the act entitled "An act to define the pay and emoluments of certain officers of the army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two, shall apply to all persons engaged in executing the contracts therein referred to, whether as agents of such contractors or as claiming to be assignees thereof, or otherwise, and to all inspectors employed by the United States for the inspection of subsistence, clothing, arms, ammunition, munitions of war, or other description of supplies for the army or navy of the United States: *Provided*, That any person arrested to answer charges for a violation of the provisions of this act, or of the act to which it is in addition, shall be admitted to bail for his appearance to answer the charges made against him before any court-martial constituted to try him, in such sums and with such sureties as shall be designated and approved by the judge of the district court of the district in which the arrest is made, or the offence is charged to have been committed, or any commissioner appointed by such court.

Agents or assignees of certain contractors subject to, &c.

1862, ch. 200, § 16. Vol. xii. p. 596.

Bail allowed, &c.

SEC. 8. *And be it further enacted*, That if any contractor or person furnishing supplies or transportation shall give, or offer to give, or cause to be given, to any officer or employee of the quartermaster's department having charge of the receipt or disposition of the supplies or transportation furnished by him, or in any way connected therewith, any money or other valuable consideration, directly or indirectly, all contracts and charters with such person shall, at the option of the Secretary of War, be null and void; and if any officer or employee of the quartermaster's department shall knowingly accept any such money or other valuable consideration from such person, he shall be deemed guilty of malfeasance, and shall be punished by fine and imprisonment, or both, as a court-martial or military commission may direct.

Penalty on contractors furnishing supplies, &c., for offering, &c., money, &c., to any officer, &c., in quartermaster's department, &c.

upon officer for accepting such money, &c.

SEC. 9. *And be it further enacted*, That whenever it shall become necessary to purchase any steam or sailing vessel for the use of the quartermaster's department, the same shall be first inspected by one or more competent naval officers detailed in accordance with the provisions of the "act authorizing the detail of naval officers for the service of the War Department," approved February twelve, eighteen hundred and sixty-two, and all steam-vessels shall be inspected by an officer skilled in the construction and operation of steam machinery, in addition to the other usual inspection of such vessels: *Provided*, That the provisions of this section

Rules for purchasing vessels for quartermaster's department.

1862, ch. 21. Vol. xii. p. 338.

Proviso.

shall not apply to steamboats or other vessels in military service on the western rivers; but such river steamboats or vessels shall be so inspected by competent builders, to be designated for that purpose.

Officers in charge of divisions to have what rank and pay.

SEC. 10. *And be it further enacted*, That the officers placed in charge of the several divisions provided for by the first section of this act, shall, during the time they remain in such charge, each have the rank, pay, and emoluments of a colonel in the quartermaster's department: *Provided*, That the quartermaster-general may, with the approval of the Secretary of War, from time to time, and according to the necessities of the public service, change the distribution of duties among them; and all such changes shall be forthwith published in general orders of the War Department.

Distribution of duties may be changed.

Inspectors of the quartermaster's department.

SEC. 11. *And be it further enacted*, That during the continuance of the present rebellion, the Secretary of War may assign to duty, as inspectors of the quartermaster's department, six officers, to be selected from the regular and volunteer officers of that staff corps, who have served not less than one year, who shall have, while so assigned and acting, the temporary rank, pay, and emoluments of colonels of the quartermaster's department; and also, when in his judgment it is necessary, may assign to each army in the field, consisting of more than one army corps, and to each military department and to each principal depot, not exceeding ten in number at any one time, of the quartermaster's department, an officer to act as chief or senior quartermaster of said army, military department, or depot, who shall have while so assigned the temporary rank, pay, and emoluments of a colonel of the quartermaster's department; and also to assign to each division of two or more brigades, a quartermaster, as division quartermaster, who, while so assigned and acting, shall have the temporary rank, pay, and emoluments of a major of the quartermaster's department: *Provided*, That when any of said officers is relieved from such duty, his temporary rank, pay, and emoluments shall cease, and he shall return to his lineal rank in the department: *And provided, further*, That when within the limits of any military department there shall be not more than one army corps, then the chief quartermaster of the army corps shall perform also the duties of the department quartermaster.

Chief quartermaster of army corps, &c.,

Division quartermaster.

Provisos.

Two thirds of officers of each grade provided for under this act to be from volunteer service.

SEC. 12. *And be it further enacted*, That, at least two thirds of all the officers of each grade or assigned rank provided for under the provisions of this act shall be selected from among quartermasters of the volunteer service.

Repeal of inconsistent provisions.

SEC. 13. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, July 4, 1864.

RESOLUTIONS.

[No. 1.] *Joint Resolution of Thanks to Major-General Ulysses S. Grant, and the Officers and Soldiers who have fought under his Command during this Rebellion; and providing that the President of the United States shall cause a Medal to be struck, to be presented to Major-General Grant in the name of the People of the United States of America.* Dec. 17, 1863.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they hereby are, presented to Major-General Ulysses S. Grant, and through him to the officers and soldiers who have fought under his command during this rebellion, for their gallantry and good conduct in the battles in which they have been engaged; and that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to Major-General Grant.

The thanks of congress to Major-General Grant, his officers, and soldiers.

Gold medal for General Grant.

SEC. 2. *And be it further resolved*, That when the said medal shall have been struck, the President shall cause a copy of this joint resolution to be engrossed on parchment, and shall transmit the same, together with the said medal, to Major-General Grant, to be presented to him in the name of the People of the United States of America.

Copy of resolution to be given with medal.

SEC. 3. *And be it further resolved*, That a sufficient sum of money to carry this resolution into effect is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Appropriation.

APPROVED, December 17, 1863.

[No. 2.] *Joint Resolution tendering the Thanks of Congress to Captain John Rodgers, of the United States Navy, for eminent Skill and Zeal in the Discharge of his Duties.* Dec. 23, 1863.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Captain Rodgers one grade, in pursuance of the ninth section of the act of congress of sixteenth July, eighteen hundred and sixty-two, the thanks of congress be, and they are hereby, tendered to Captain John Rodgers, "for the eminent skill and gallantry exhibited by him in the engagement with the rebel armed iron-clad steamer 'Fingal,' alias 'Atlanta,' whilst in command of the United States iron-clad steamer 'Weehawken,' which led to her capture on June seventeenth, eighteen hundred and sixty-three; and also for the zeal, bravery, and general good conduct shown by this officer on many occasions."

Thanks of congress to Captain John Rodgers. 1862, ch. 183, § 9. Vol. xii. p. 584.

APPROVED, December 23, 1863.

[No. 3.] *Joint Resolution to supply, in Part, Deficiencies in the Appropriations for the Public Printing, and to supply Deficiencies in the Appropriations for Bounties to Volunteers.* Dec. 23, 1863.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to supply deficiencies, in

Appropriation for deficiency in public printing;

part, in the appropriations for the public printing, the sum of fifty thousand dollars be, and the same hereby is, appropriated, out of any money in the treasury not otherwise appropriated.

for bounties and advance pay of volunteers.

That the sum of twenty millions of dollars, or so much thereof as may be required, be, and the same is hereby, appropriated for the payment of bounties and advance pay: *Provided*, That no bounties, except such as are now provided by law, shall be paid to any persons enlisted after the fifth day of January next.

Proviso.

See *Post*, Nos. 5, 17.

Commutation money paid by those drafted, to be paid into treasury, &c. 1863, ch. 75, § 13. Vol. xii. p. 733. See No. 6, *post*.

SEC. 2. *And be it further resolved*, That the money paid by drafted persons under the "Act for enrolling and calling out the national forces and for other purposes," approved third March, eighteen hundred and sixty-three, shall be paid into the treasury of the United States, and shall be drawn out on requisitions, as in the case of other public moneys, and the money so paid shall be kept in the treasury as a special deposit, applicable only to the expenses of draft and for the procuration of substitutes; for these purposes it is hereby appropriated.

APPROVED, December 23, 1863.

January 13, 1864. [No. 4.] *Joint Resolution to provide for the Printing annually of the Report of the Commissioner of Internal Revenue.*

Report of commissioner of internal revenue to be printed.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the superintendent of the public printing annually to print, for the use of the commissioner of internal revenue, one thousand copies of his report to the Secretary of the Treasury.

APPROVED, January 13, 1864.

January 13, 1864. [No. 5.] *Joint Resolution to continue the Bounties heretofore paid.*

Bounties to men enlisting to to be continued until, &c.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties heretofore paid, under regulations and orders from the War Department, to men enlisting in the regular or volunteer forces of the United States for three years or during the war, shall continue to be paid from the fifth day of January, eighteen hundred and sixty-four, until the first day of March next, anything in the *act* [joint resolution] approved December twenty-third, eighteen hundred and sixty-three, to the contrary notwithstanding. This resolution to be in force from and after its passage.

Ante, p. 144.

APPROVED, January 13, 1864.

January 16, 1864. [No. 6.] *A Resolution amendatory of the Joint Resolution "to supply, in Part, Deficieneies in the Appropriations for the Public Printing, and to supply Deficiencies in the Appropriations for Bounties to Volunteers."*

Money paid by drafted persons, how to be applied. 1863, ch. 75, § 13. Vol. xii. p. 733. See No. 3, *ante*.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the money paid by drafted persons under the act for calling out the national forces and for other purposes, approved March third, eighteen hundred and sixty-three, or that may be paid under any act for like purposes, shall be paid into the treasury of the United States, and shall be drawn out on requisitions, as are other public moneys, for the expenses of the draft and for the procuration of substitutes, for which purposes the money so paid in is hereby appropriated.

APPROVED, January 16, 1864.

[No. 7.] *A Resolution expressive of the Thanks of Congress to Major-General Nathaniel P. Banks and the Officers and Soldiers under his Command at Port Hudson.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby tendered to Major-General Nathaniel P. Banks and the officers and soldiers under his command for the skill, courage, and endurance which compelled the surrender of Port Hudson, and thus removed the last obstruction to the free navigation of the Mississippi River.

The thanks of congress to Major-General Banks, his officers, and men at Port Hudson.

APPROVED, January 28, 1864.

[No. 8.] *A Resolution of Thanks to Major-General Ambrose E. Burnside and the Officers and Men who fought under his Command.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they hereby are, presented to Major-General Ambrose E. Burnside, and through him to the officers and men who have fought under his command, for their gallantry, good conduct, and soldierlike endurance.

The thanks of congress to Major-General Burnside, his officers, and men.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to cause the foregoing resolution to be communicated to Major-General Burnside in such terms as he may deem best calculated to give effect thereto.

President to communicate this resolution.

APPROVED, January 28, 1864.

[No. 9.] *A Resolution expressive of the Thanks of Congress to Major-General Joseph Hooker, Major-General George G. Meade, Major-General Oliver O. Howard, and the Officers and Soldiers of the Army of the Potomac.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That *that* the gratitude of the American people and the thanks of their representatives in congress are due, and are hereby tendered, to Major-General Joseph Hooker and the officers and soldiers of the Army of the Potomac, for the skill, energy, and endurance which first covered Washington and Baltimore from the meditated blow of the advancing and powerful army of rebels led by General Robert E. Lee; and to Major-General George G. Meade, Major-General Oliver O. Howard, and the officers and soldiers of that army, for the skill and heroic valor which at Gettysburg repulsed, defeated, and drove back, broken and dispirited, beyond the Rappahannock, the veteran army of the rebellion.

The thanks of congress and of the people to Major-Generals Hooker, Meade, and Howard, their officers, and men.

APPROVED, January 28, 1864.

[No. 10.] *A Resolution presenting the Thanks of Congress to Cornelius Vanderbilt for a Gift of the Steamship Vanderbilt.* January 28, 1864.

WHEREAS Cornelius Vanderbilt, of New York, did, during the spring of eighteen hundred and sixty-two, make a free gift to his imperilled country of his new and staunch steamship "Vanderbilt," of five thousand tons burthen, built by him with the greatest care, of the best material, at a cost of eight hundred thousand dollars, which steamship has ever since been actively employed in the service of the republic against the rebel devastations of her commerce; and whereas the said Cornelius Vanderbilt has in no manner sought any requital of this magnificent gift, nor any official recognition thereof: Therefore,

The thanks of congress to Cornelius Vanderbilt.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be presented to Cornelius Vanderbilt for this unique manifestation of a fervid and large-souled patriotism.

SEC. 2. *And be it further resolved*, That the President of the United

President to have a gold medal struck, &c., and present it.

[Appropriation, *Post*, p. 462.]

States be requested to cause a gold medal to be struck, which shall fitly embody an attestation of the nation's gratitude for this gift; which medal shall be forwarded to Cornelius Vanderbilt, a copy of it being made and deposited for preservation in the library of congress.

APPROVED, January 28, 1864.

Feb. 3, 1864.

[No. 11.] *A Resolution in Relation to the Public Printing.*

Seven hundred copies of each bill, &c., to be printed.

Repeal of former law.

Vol. xii. p. 826.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the joint resolution approved March third, eighteen hundred and sixty-three, be, and the same is hereby, repealed; and that the superintendent of public printing be directed to print hereafter seven hundred copies of every bill or joint resolution ordered or required to be printed by either the Senate or the House of Representatives, under any rule of either house, unless some other number be specially required by the House ordering the same.

APPROVED, February 3, 1864.

Feb. 19, 1864.

[No. 12.] *Joint Resolution tendering the Thanks of Congress to Major-General W. T. Sherman.*

The thanks of congress and of the people to Major-General Sherman, his officers, and men.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress and of the people of the United Slates are due, and that the same are hereby tendered, to Major-General W. T. Sherman, commander of the department and army of the Tennessee, and the officers and soldiers who served under him, for their gallant and arduous services in marching to the relief of the army of the Cumberland, and for their gallantry and heroism in the battle of Chattanooga, which contributed in a great degree to the success of our arms in that glorious victory.

APPROVED, February 19, 1864.

Feb. 22, 1864.

[No. 14.] *Joint Resolution making Appropriation for the Payment of Taxes on certain Lands owned by the United States.*

Appropriation to pay taxes on lands owned by the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, to pay taxes on lands owned by the United States, the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated; and the Secretary of the Treasury is hereby directed to report to congress upon what lands such taxes may be paid, and the amount so paid.

APPROVED, Feb. 22, 1864.

Feb. 24, 1864.

[No. 15.] *A Resolution relative to the Transfer of Persons in the Military Service to the Naval Service.*

Enlistment into the naval service. (Repealed. See 1864, ch. 108. *Ante*, p. 119.)

Not to receive prize money.

Transfer authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First: That the Provost-Marshal General be, and is hereby, directed to enlist such persons as may desire to enter into the naval service of the United States, under such directions as may be given by the Secretary of War and the Secretary of the Navy, which enlistments shall be credited to the appropriate district: *Provided, nevertheless*, That inasmuch as persons enlisted in the naval service receive prize money, persons so enlisting shall not be entitled to receive any bounty upon their enlistment. Second: That the President of the United States may, whenever in his judgment the public service requires, authorize and direct the transfer of persons who have been employed in sea service, and are now enlisted in regiments for land service, from such

regiments to the naval service, upon such terms and according to such rules and regulations as he may prescribe: *Provided, nevertheless*, That the number of transfers from any company or regiment shall not be so great as to reduce such company or regiment below the minimum strength required by the regulations of the military service: *And provided, further*, That such sum as may have been paid to persons so transferred, as bounty for entering into the military service, shall be transferred from the recruiting fund of the naval service to the credit of the proper appropriation for the land service.

Company, &c., not to be reduced below minimum strength.

Bounty.

SEC. 2. *And be it further resolved*, That there shall be paid to each enlisted able or ordinary seaman, hereafter enlisted into the naval service, an advance of three months' pay, as a bounty to be refunded to the treasury from any prize money to which such enlisted man may be entitled.

Advance of three months' pay to enlisted able, &c., seamen as a bounty, to be refunded, &c.

APPROVED, February 24, 1864.

[No. 16.] *Joint Resolutions of Thanks of Congress to the Volunteer Soldiers who have re-enlisted in the Army.*

March 3, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby given to those noble and brave men who, having already so gallantly endured the hardships and perils of war, for more than two years, in support of their country's flag, present the sublime spectacle of again voluntarily enrolling themselves in the army of the Union for another three years' campaign, or so long as the war shall continue.

The thanks of congress to volunteers reënlisting.

SEC. 2. *And be it further resolved*, That the Secretary of War cause these resolutions to be read to each of the veteran regiments who have reënlisted, or shall reënlist, in both the volunteer and regular forces of the United States.

These resolutions to be read to the regiments.

APPROVED, March 3, 1864.

[No. 17.] *Joint Resolution to continue the Payment of Bounties.*

March 3, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties authorized to be paid under existing laws, and by regulations and orders of the War Department, to veterans reënlisting, or persons enlisting in the regular or volunteer service of the United States for three years, or during the war, shall contin[ue] to be paid from the first day of March, eighteen hundred and sixty-four, to the first day of April, eighteen hundred and sixty-four, anything in any law or regulation to the contrary notwithstanding; the said bounties to be paid out of any moneys already appropriated for such purposes.

Bounties to enlisted men to be continued.

See *Ante*, Nos. 3, 5, p. 400.

APPROVED, March 3, 1864.

[No. 18.] *A Resolution of Thanks of Congress to Commodore Cadwalader Ringgold, the Officers, and Crew of the United States Ship "Sabine."*

March 7, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby tendered to Commodore Ringgold, the officers, petty officers, and men of the United States ship "Sabine," for the daring and skill displayed in rescuing the crew of the steam-transport "Governor," wrecked in a gale on the first day of November, eighteen hundred and sixty-one, having on board a battalion of United States marines under the command of Major John G. Reynolds, and in the search for, and rescue of, the United States line-of-battle ship "Vermont," disabled in a gale upon the twenty-sixth of February last, with her crew and freight.

The thanks of congress to Commodore Ringgold, his officers, and men.

Resolution to be communicated.

SEC. 2. *And be it further resolved*, That the Secretary of the Navy be directed to communicate the foregoing resolution to Commodore Ringgold, and through him to the officers and men under his command.

APPROVED, March 7, 1864.

March 17, 1864.

[No. 20.] *Joint Resolution to authorize the Secretary of the Treasury to anticipate the Payment of Interest on the Public Debt, and for other Purposes.*

Secretary of Treasury may anticipate the interest on the public debt.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is hereby authorized to dispose of any gold in the treasury of the United States not necessary for the payment of interest of the public debt: *Provided*, That the obligation to create the sinking fund according to the act of February twenty-fifth, eighteen hundred and sixty-two, shall not be impaired thereby.

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

APPROVED, March 17, 1864.

March 25, 1864.

[No. 21.] *A Joint Resolution authorizing the Issue of a Register to the Steamer "Mohawk."*

Register to issue to steamer Mohawk.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to issue an American register to the Canadian-built steamer "Mohawk," now owned by Warren Chapman, George Parmelee, and Matthias Teetzel, of Saint Joseph, in the State of Michigan: *Provided*, That nothing herein contained shall in anywise affect any legal proceedings now pending in regard to the said steamer "Mohawk."

Proviso.

APPROVED, March 25, 1864.

April 19, 1864.

[No. 22.] *Joint Resolution tendering the Thanks of Congress to Admiral Porter.*

Thanks of congress to Admiral Porter.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they are hereby, tendered to Admiral David D. Porter, commanding the Mississippi squadron, for the eminent skill, endurance, and gallantry exhibited by him and his squadron, in coöperation with the army, in opening the Mississippi River.

APPROVED, April 19, 1864.

April 19, 1864.

[No. 23.] *Joint Resolution authorizing the Secretary of the Navy to sell at Public Auction Lot Number Thirteen, in the Village of Sackett's Harbor, New York.*

Secretary of Navy may sell a lot of land at auction in Sackett's Harbor, New York.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and empowered, at his discretion, to sell at public auction, after proper advertisement, and to convey, by quit-claim or otherwise, lot number thirteen, in the village of Sackett's Harbor, New York, the same not being wanted for use by the United States.

APPROVED, April 19, 1864.

April 19, 1864.

[No. 24.] *Joint Resolution relative to the Accounts of the Petty Officers, Seamen, and others of the Crew of the United States Gunboat "Cincinnati."*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the

accounts of the petty officers, seamen, and others of the crew of the United States gunboat "Cincinnati," to allow each of them all back pay and a sum, not exceeding fifty dollars, for loss of clothing and other property, by the sinking of the said vessel in the Mississippi River, near Vicksburgh, on the twenty-seventh day of May, eighteen hundred and sixty-three.

Allowance to the petty officers and crew of the "Cincinnati."

APPROVED, April 19, 1864.

[No. 25.] *Joint Resolution directing the Committee on the Conduct of the War to examine into the recent Attack on Fort Pillow.*

April 21, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops, after their surrender, at the recent attack of the rebel forces upon Fort Pillow, Tennessee; as also, whether Fort Pillow could have been sufficiently reinforced, or evacuated, and, if so, why it was not done; and that they report the facts to congress as soon as possible.

Committee on the conduct of the war to examine into the attack upon Fort Pillow, &c.

APPROVED, April 21, 1864.

[No. 26.] *A Resolution relating to the Publication of the Decisions of the Supreme Court of the United States for December Term, eighteen hundred and sixty-three.*

April 22, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of congress, approved August twenty-nine, eighteen hundred and forty-two, as provides that the reporter of the decisions of the supreme court shall not be paid the compensation provided by the said act unless he print and publish the decisions within six months after such decisions shall be made, shall not be held to apply to the decisions of December term, eighteen hundred and sixty-three, the present reporter of the said court not having been appointed until near the close of the term: *Provided, however*, That such decisions be published within one year from the passage of this resolution.

Time of publication of reports of supreme court for December term, 1863.
1842, ch. 264. Vol. v. p. 545.

APPROVED, April 22, 1864.

[No. 27.] *Joint Resolution to increase temporarily the Duties on Imports.*

April 29, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the end of sixty days from the passage of this resolution, fifty per cent. of the rates of duties and imposts now imposed by law on all goods, wares, merchandise, and articles imported, shall be added to the present duties and imposts now charged on the importation of such articles: *Provided*, That printing paper unsized, used for books and newspapers exclusively, shall be exempt from the operation of this resolution.

1865, ch. 171, § 20. *Ante*, p. 216.
Duties on imports temporarily increased.
Post, No. 49, p. 411.
Post, pp. 429, 430.

APPROVED, April 29, 1864.

[No. 28.] *Joint Resolution for the Payment of Volunteers called out for not less than One Hundred Days.*

April 29, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of twenty-five millions of dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated for arming, equipping, clothing, subsisting, transporting, and paying volunteers that may be received by the President for any term not less than one hundred days.

Appropriation for volunteers for not less than 100 days.

APPROVED, May 6, 1864.

May 19, 1864. [No. 29.] *A Resolution to provide for the Printing of official Reports of the Operations of the Armies of the United States.*

Official reports of the armies of the United States, and documents relating to the rebellion to be printed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to furnish the superintendent of public printing with copies of all such correspondence, by telegraph or otherwise, reports of commanding officers, and documents of every description in relation to the existing rebellion, to be found in the archives of his department since the first day of December, eighteen hundred and sixty, to the present time, and during the continuance of said rebellion, which may be, in his opinion, proper to be published, [which] said correspondence, reports, and documents shall be arranged in their proper chronological order.

Number of copies, and distribution thereof.

SEC. 2. *And be it further resolved*, That the superintendent of public printing shall cause to be printed and bound (in addition to the usual number) ten thousand copies of such correspondence, reports, and documents, in volumes of not exceeding (as near as may be) eight hundred octavo pages each, which shall be distributed by the Secretary of the Senate as follows, to wit: five hundred copies to the War Department; one complete copy to each state library of every state in the Union, and five complete copies to public libraries in each congressional district of the United States, to be designated by the representatives of the present congress from such district; and of the remaining copies three thousand shall be for the use of members of the present Senate and six thousand for the use of members of the present House of Representatives.

Complete index to be prepared.

SEC. 3. *And be it further resolved*, That it shall also be the duty of the Secretary of War to cause a complete index of the matter contained in each volume to be prepared and inserted therein.

Resolutions of present session directing such printing rescinded.

SEC. 4. *And be it further resolved*, That all resolutions adopted by either house of congress, at its present session, directing the printing of any of the correspondence, reports, or documents, as above contemplated, be, and the same are hereby, rescinded.

APPROVED, May 19, 1864.

May 19, 1864. [No. 30.] *A Resolution for the Payment of Expenses incurred by the Joint Committee on the Conduct of the War.*

Appropriation for expenses of joint committee on the conduct of the war.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to pay the expenses of the joint committee of congress appointed to inquire into the conduct and expenditures of the war; and

How to be drawn, &c.

that said sum shall be drawn from the treasury, upon the order of the secretary of the Senate, as the same shall be required from time to time by the committee having such investigation in charge; and any portion of the amount hereby appropriated that shall be allowed by the said joint committee to witnesses attending before it, or to persons employed in its service, for per diem, travelling, or other necessary expenses, and paid by the secretary of the Senate in pursuance of the order of that joint committee, shall be accordingly credited and allowed by the accounting officers of the Treasury Department.

APPROVED, May 19, 1864.

May 20, 1864. [No. 31.] *Joint Resolution relative to Pay of Staff Officers of the Lieutenant-General.*

Pay, &c., of staff officers of the lieutenant-general.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the staff officers on the staff of the lieutenant-general shall be entitled to receive the same pay, emoluments, and allowances as staff officers of the same grade on the

staff of corps commanders, the same to take effect from the day of their appointment on the staff of the lieutenant-general.

See *Post*, No. 78, p. 417.

APPROVED, May 20, 1864.

[No. 32.] *Joint Resolution providing for the Election of a Member of Congress for the State of Illinois by the State at large.*

May 20, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the election of representatives to congress from the State of Illinois, the additional representative allowed to said state by an act entitled "An act fixing the number of the House of Representatives from and after the third day of March, eighteen hundred and sixty-three," approved March fourth, eighteen hundred and sixty-two, may be elected by the state at large, until the said state shall be re-districted by the legislature thereof, for the election of the fourteen members to which said state is now entitled by law.

Election of member of congress from Illinois by the state at large, until, &c. 1862, ch. 36. Vol. xii. p. 353.

APPROVED, May 20, 1864.

[No. 35.] *A Resolution to amend the Charter of the City of Washington.*

June 1, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any person who is a qualified voter in other respects shall offer and claim the right to vote at any election held in the city of Washington, whose name is not registered, his name shall be registered by the commissioners of election upon the terms and conditions following, namely, he shall take an oath as follows: You do solemnly swear that you will true answer make to such questions as shall be asked you touching your qualifications as an elector at this poll; So help you God; or an affirmation to the same effect, which oath or affirmation, if he be unable to understand the English language, may be interpreted to him by one of the commissioners, or an interpreter, sworn by a commissioner, which interpreter shall also interpret his answers to the commissioners. If, in his answers on oath, he shall state positively that he has resided in the city one year next preceding the day of said election, designating particularly the place of his residence, and that he possesses the other qualifications of an elector, and if, furthermore, some qualified elector of the city, not a candidate for any office at that election, shall take an oath before said commissioners, which any one of them may administer, that he is well acquainted with such applicant; that he is, in fact, a resident in the city, and has been one year next previous to such election, and that he (qualified elector) has good reason to believe, and does believe, that all the statements of such applicant are true, the commissioners shall cause his name to be registered by their clerk, and shall then receive the vote of said applicant; or if said applicant shall present the affidavit of himself and a qualified elector, duly certified by any justice of the peace in and for the county of Washington, District of Columbia, which shall satisfy the commissioners that the applicant has been a resident of the city one year next preceding the day of such election, and that he is otherwise a qualified elector, the commissioners may cause the applicant's name to be registered, as hereinbefore provided, and they shall then receive his vote; and if said applicant or such qualified elector shall, in said matter, wilfully make any false statement, he shall be deemed guilty of perjury, and, on conviction, be subject to the pains and penalties thereof.

Qualified voters, not registered, claiming right to vote, shall be registered.

Terms and conditions of registry.

False swearing under this oath to be perjury.

APPROVED, June 1, 1864.

June 7, 1864. [No. 38.] *A Resolution to compensate the Sailors on the Gunboat "Baron de Kalb" for Loss of Clothing.*

Allowance to petty officers and crew of the "Baron de Kalb."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat "Baron de Kalb," to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, June 7, 1864.

June 7, 1864. [No. 39.] *A Resolution authorizing the Acceptance of a certain Testimonial from the Government of Great Britain.*

Solomon Sharp, surgeon in the United States Navy, may accept testimonial from Great Britain.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Surgeon Solomon Sharp, of the navy of the United States, be, and he hereby is, authorized to accept the piece of plate recently presented to him by the government of Great Britain as a mark of high appreciation of the unremitting attention and kindness shown by him to certain officers of the British ship "Greyhound," while in the naval hospital under his charge, at Norfolk, Virginia.

APPROVED, June 7, 1864.

June 11, 1864. [No. 40.] *A Resolution tendering the Thanks of Congress to Lieutenant-Colonel Joseph Bailey of the Fourth Regiment of Wisconsin Volunteers.*

Thanks of congress to Lieut.-Col. Joseph Bailey.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they are hereby, tendered to Lieutenant-Colonel Joseph Bailey, of the fourth regiment Wisconsin volunteers, acting engineer of the nineteenth army corps, for distinguished services in the recent campaign on the Red River, by which the gunboat flotilla under Rear Admiral David D. Porter was rescued from imminent peril.

Copy of resolution to be transmitted.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to cause a copy of this resolution to be transmitted to Lieutenant-Colonel Bailey.

APPROVED, June 11, 1864.

June 15, 1864. [No. 41.] *Joint Resolution granting certain Privileges to the City of Des Moines, in the State of Iowa.*

Rights of the United States to certain coal-beds relinquished to the city of Des Moines.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby relinquish to the city of Des Moines, in the State of Iowa, a municipal corporation established under the laws of said state, all their right and interest in the coal-beds underlying the river Des Moines, within the limits of said city: *Provided*, That no disposition or use thereof shall be made which shall obstruct the free navigation of said river; nor shall any one grant of the privilege of mining the same extend for a longer period than ten years.

APPROVED, June 15, 1864.

June 18, 1864. [No. 42.] *A Resolution to provide for the Revision of the Laws of the District of Columbia.*

Laws of the District of Columbia to be revised, &c.

WHEREAS the revised code of the District of Columbia, prepared under the authority of congress, entitled "An act to improve the laws of the District of Columbia, and to codify the same," approved March third,

eighteen hundred and fifty-five, and which was published by order of congress in the year eighteen hundred and fifty-seven; and whereas said code is believed to have been a comprehensive, complete, and accurate compilation of the laws of said District at the period of its execution, and that measures should be taken to have the work brought down to the present time and perfected: Therefore —

1855, ch. 174. Vol. x. p. 642.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the committees on the District of Columbia of the two houses of congress, respectively, be instructed to cause said code to be so revised, amended, and corrected, and also the laws of congress for said District passed since the compilation aforesaid, as shall adapt the same to the present condition of the laws, and may employ not more than two suitable persons on the preparation of the work, at a compensation of ten dollars per day for the time employed. And said code so prepared shall be printed by direction of said committees in a neat and convenient form for the use of the committees and congress; and said committees shall report the same to their respective houses at the next session of congress for adoption.

Revised code to be brought down to date.

APPROVED, June 18, 1864.

[No. 43.] *A Resolution explanatory of an Act entitled "An Act extending the Time for the completion of the Marquette and Ontonagon Railroad of the State of Michigan."*

June 18, 1864.

1864, ch. 134. *Ante*, p. 137.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act extending the time for the completion of the Marquette and Ontonagon railroad of the State of Michigan," shall be so construed as to extend the time for completing only so much of said road as lies between Marquette and Ontonagon.

Construction of act concerning the Marquette and Ontonagon railroad.

APPROVED, June 18, 1864.

[No. 45.] *Joint Resolution authorizing the Secretary of the Navy to amend the Contract with John Ericsson for the Construction of two impregnable Floating Batteries, the "Dictator" and the "Puritan."*

June 25, 1864.

WHEREAS the Navy Department on the twenty-eighth day of July, eighteen hundred and sixty-two, entered into contract with Capt. John Ericsson, of the city of New York, for the construction of two impregnable floating batteries, the "Dictator" and the "Puritan;" and whereas experience with a similar class of vessels in actual conflict and during a varied service of more than two years has demonstrated that many improvements could be made to render them more complete and efficient as vessels of war; and whereas these improvements have added largely to the cost of construction of each of these vessels, rendering it impossible for the contractor to complete them under existing arrangements; and whereas it is of the utmost importance to the honor and interests of the country that they should be finished and ready for service at the earliest moment: Therefore,

Preamble.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to amend the existing contract for the construction of these vessels so far as it relates to the "Puritan," and to appoint a competent board to ascertain the present value, as far as completed, of that vessel, and of the material on hand deemed actually necessary to her construction, and to pay to Capt. John Ericsson, the contractor, the amount of valuation so ascertained, deducting therefrom any sums already advanced towards the completion of said vessel; and that upon said payment being made by the Secretary of the Navy the rights of the contractor to said vessel and material, or any portion thereof, shall cease

Contract with John Ericsson in regard to the "Puritan" amended.

and be vested wholly and absolutely in the United States, which shall thenceforth proceed to complete said vessel under such arrangements as may be deemed most advantageous: *Provided, however*, That nothing herein contained shall in any manner affect the contract for the construction of the "Dictator," which shall be completed by said contractor upon the same terms and conditions as if this resolution had not been passed: *And provided, further*, That no action shall be had under this resolution until said contractor shall have signified to the Secretary of the Navy, in writing, his acceptance of its provisions and his willingness to superintend to completion the construction of the "Puritan:" *Provided, further*, That this resolution shall not take effect until the completion and delivery of the "Dictator:" *Provided, also*, That it shall be the duty of the Secretary of the Navy, in carrying this resolution into execution, to apportion and apply to the "Dictator," in payment for that vessel, only such portion of the gross contract price of the two million three hundred thousand dollars ($2,300,000) for the "Dictator" and "Puritan" as the "Dictator" would justly be entitled to if both vessels had been completed at the price and in the mode of construction specified in the contract, special reference being had to the difference of cost between the two vessels arising from the difference in their construction provided for in the contract.

Contract for the "Dictator."

Provisos.

APPROVED, June 25, 1864.

June 25, 1864.

1864, ch. 3, *Ante*, p. 1.

[No. 46.] *Joint Resolution amendatory of "An Act to provide for the Deficiency in the Appropriation for the Pay of Officers and Men actually employed in the Western Department, or Department of Missouri."*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person or persons holding any power of attorney or assignment executed subsequent to August sixteenth, eighteen hundred and sixty-three, and prior to January twenty-second, eighteen hundred and sixty-four, for the sum adjudged due to any officer or soldier by the commissioners appointed under joint resolution approved February sixteenth, eighteen hundred and sixty-three, shall have paid any money to any officer or soldier on the faith of such power of attorney or assignment, *that* the paymaster appointed to disburse the funds appropriated by the act approved January twenty-second, eighteen hundred and sixty-four, to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the western department, or department of Missouri, be, and he is hereby, authorized and directed to pay to such person or persons the amount thus paid to any officer or soldier, upon such attorney or assignee making and filing an affidavit to the effect that the amount was actually paid to said officer or soldier, and upon the paymaster being satisfied that the amount was actually paid; and the amount paid such attorney or assignee under this resolution shall be deducted from the amount due said officer or soldier, anything in any previous action of congress to the contrary notwithstanding.

Amounts advanced certain officers and soldiers upon assignments, to be repaid, &c.

Vol. xii. p. 824.

APPROVED, June 25, 1864.

June 25, 1864.

[No. 47.] *A Resolution for the Relief of Clerks at the Kittery and Philadelphia Navy Yards.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the settlement of the accounts of the Kittery and Philadelphia navy yards, the proper accounting officers of the treasury be, and they are hereby, authorized to allow such sums as have already been appropriated by congress for the pay of clerks at said yards, from October, eighteen hundred and fifty-seven, to July, eighteen hundred and fifty-nine.

Pay of clerks at the Kittery and Philadelphia navy yards.

APPROVED, June 25, 1864.

[No. 49.] *Joint Resolution to continue in force the Joint Resolution entitled "Joint Resolution to increase temporarily the Duties on Imports," approved April twenty-ninth, eighteen hundred and sixty-four.*

June 27, 1864.

Ante, No. 27, p. 405.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution increasing the duties on imports, approved April twenty-ninth, eighteen hundred and sixty-four, be, and is hereby, continued in force until the first day of July next.

Increased duties on imports continued to July 1st, 1864.

APPROVED, June 27, 1864.

[No. 50.] *Joint Resolution correcting a clerical Error in the Award of the Emancipation Commissioners.*

June 28, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to correct a clerical error in entering the amount of the award of the commissioners under the act of the sixteenth of April, eighteen hundred and sixty-two, entitled "An act for the release of certain persons held to service or labor in the District of Columbia," in the case of Nicholas Bowie, claimed by Martha Manning.

Clerical error in entering award of certain commissioners corrected. 1862, ch. 54. Vol. xii. p. 376.

APPROVED, June 28, 1864.

[No. 51.] *Joint Resolution to incorporate the Young Men's Christian Association of the City of Washington.*

June 28, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Stinemets, Samuel McElwee, jr., A. I. Stoddart, Samuel Ker Roberts, S. Jordan, Albert Ebeling, Charles H. Norton, George M. Powell, Warren Choate, Nicholas Du Bois, Joseph T. Brown, and Joseph C. Clayton, and their successors in office, be, and they are hereby, incorporated and made a body politic and corporate by the name of the Young Men's Christian Association of the City of Washington, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and the same change at pleasure, and have, use, and exercise the powers, rights, and privileges incident to such corporation.

Young Men's Christian Association of the city of Washington incorporated.

SEC. 2. *And be it further resolved*, That the said corporation shall be capable of acquiring, receiving, taking, and holding real and personal estate, which estate shall never be divided among the members of the corporation, but shall descend to their successors for the promotion of religious, moral, educational, and benevolent purposes of said corporation.

May hold real and personal estate.

SEC. 3. *And be it further resolved*, That this corporation shall have power to alter and amend its constitution and by-laws: *Provided*, That they do not conflict with the laws of the United States, or the laws of the corporation of the city of Washington.

Constitution and by-laws may be amended.

SEC. 4. *And be it further resolved*, That said corporation shall not exercise banking privileges, or issue or put in circulation bank notes, or any note, paper, token, scrip, or device to be used as currency.

Corporation not to exercise banking privileges, nor issue currency.

SEC. 5. *And be it further resolved*, That congress reserves the right to alter, amend, or repeal this act at any time.

This act may be amended, &c.

APPROVED, June 28, 1864.

[No. 53.] *Joint Resolution to authorize the Postmaster-General to extend the Contract with the Overland Mail Company.*

June 30, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be,

Contract with overland mail company may be extended.

and he is hereby, authorized and empowered, in his discretion, to extend the mail contract number ten thousand seven hundred and seventy-three with the present contractors, or any other responsible parties, commonly known as the Overland Mail Company, for the term of one year from the first day of July next, upon the same terms and conditions with the present existing contract, except as to schedule time, which shall not exceed sixteen days for eight months of the year, and twenty days for the remaining four months; and except as to compensation, which shall not exceed the sum of eight hundred and twenty thousand dollars, beyond the amount paid for carrying *of* the printed matter by water.

Pay not to exceed $820,000, &c.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 54.] *Joint Resolution to provide for the Publication of a full Army Register.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required in connection with the Army Register for the year eighteen hundred and sixty-four, to cause to be printed and published a full roster or roll of all field, line, and staff officers of volunteers who have been in the army of the United States since the beginning of the present rebellion, showing whether they are yet in the service, or have been discharged therefrom, and giving casualties and other explanations proper for such register. And to defray in whole or in part the *the* expenses of this publication an edition of fifty thousand copies of such enlarged register shall be published and may be sold to officers, soldiers, or citizens, at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed one dollar per volume.

Full army register to be published.

Number of copies to be printed.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 55.] *Joint Resolution authorizing the Secretary of the Treasury to release certain Parties from Liabilities or Payment of Duties and Penalties therein mentioned.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to release and discharge the "Irish National Fair," recently held at Chicago, of and from all liability heretofore incurred for, or on account of, having sold goods and lottery tickets without license or stamps, and of and from the payment of all license fees, stamp duties, or penalties incurred by reason of the sales aforesaid.

The "Irish National Fair" discharged from liability for selling, &c., without license or stamps.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 56.] *Joint Resolution authorizing the Secretary of the Interior to reclaim and preserve certain Property of the United States.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of congress, and to report to the congress at the commencement of its next session, his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of

Improper appropriation of streets, &c., in Washington belonging to the United States, to be prevented.

such property, by lawful authority, for the legitimate purposes of the United States.

APPROVED, June 30, 1864.

[No. 57.] *Joint Resolution for the Relief of the Officers of the Fourth and Fifth Indian Regiments.* June 30, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury are hereby directed to adjudicate and settle the claims of those officers of the fourth and fifth Indian regiments who were commissioned by the War Department, and accepted their appointments, for such time as they, or either of them, were actually performing duty other than that of recruiting for said regiments, and to pay such claims out of any moneys in the treasury not otherwise appropriated: *Provided, however*, That no compensation shall be allowed beyond the pay and emoluments incident to the respective rank of the several officers; nor shall any claim be considered or allowed except accompanied by the official certificates or orders of the commanding officer of the regular or volunteer officers of the U. S. army assigning them to such duty.

Claims of officers of certain Indian regiments to be paid.

Proviso.

APPROVED, June 30, 1864.

[No. 59.] *A Resolution for the Relief of the State of Wisconsin.* July 1, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Department of the Interior shall, in adjusting the amount due the State of Wisconsin, under existing laws, as five per centum of the net proceeds of sales of the public lands within her limits, estimate and charge against her the value of the one hundred and twenty-five thousand four hundred and thirty-one and eighty-two one-hundredths acres of land granted to the Territory of Wisconsin, to aid in the construction of the Milwaukie and Rock River Canal which have been sold by said territory or said state, at one dollar and twenty-five cents per acre, and as much more as the territory and state received upon the same upon sales of any part thereof at a higher price, and shall credit said state with the amount that has been legally and properly applied by said state or territory towards the cost of selling said land and towards the construction of said canal. And the said secretary shall also settle and allow to the Milwaukie and Rock River Canal Company such sums of money as have been properly expended by said company in the survey and location of said canal, in the construction thereof, as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair; and the same shall be paid to the said canal company out of any money in the treasury not otherwise appropriated, not exceeding in amount, however, the balance charged against the State of Wisconsin upon the sales of said canal lands, as above required, after deducting the sum allowed said state for money paid by her out of the same fund. The same to be received by said canal company in full payment and satisfaction of all claims of said company against the State of Wisconsin and of the United States on account of said canal land grant, or on account of any action of the Territory or State of Wisconsin, or of the United States, in relation thereto.

Wisconsin to be charged with the proceeds of sales of land granted to the Milwaukie and Rock River canal;

to be credited with what.

Allowance to the canal company.

SEC. 2. *And be it further resolved*, That the commissioner of the general land-office be, and he is hereby, appointed commissioner to adjust the accounts herein provided for, under the supervision of the Secretary of the Interior, and to determine what sum shall be charged to said State of Wisconsin for the lands granted for the construction of said canal; and what sums shall be credited, respectively, to said state and said com-

Commissioner of general land-office to adjust the accounts.

pany for the moneys expended by them in the construction of said locks and canal as herein provided.

APPROVED, July 1, 1864.

July 1, 1864.

1862, ch. 86, § 10. Vol. xii. p. 410.

[No. 60.] *A Resolution explanatory of the Tenth Section of "An Act to reduce the Expenses of the Survey and Sale of the Public Lands in the United States, approved, May 30, 1862.*

Deposits for expenses of surveys of public lands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth section of an act entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States," approved the thirtieth day of May, eighteen hundred and sixty-two, providing for the deposit of money in a proper United States depository to pay for the survey of public lands, shall be construed to be an appropriation of the sums so deposited for the objects contemplated in the said tenth section, and the Secretary of the Treasury is authorized to cause the sums deposited under the said section to be placed to the credit of the proper appropriations for the surveying service: *Provided*, That any excesses in the sums so deposited, over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

APPROVED, July 1, 1864.

July 1, 1864.

[No. 61.] *A Resolution to authorize the Acquisition of certain Land for the Use of the Government Hospital for the Insane.*

Land to be deeded to John Perkins in exchange for lands of his for the hospital for the insane.

Provisos.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to deed to John Perkins a portion of the extreme south point or angle of the farm of the government hospital for the insane, in exchange for two acres of land, more or less, now owned and occupied by the said Perkins, and situated near the middle of that side of the hospital farm which fronts upon the public roads: *Provided*, That not more than three acres is given for one contained in the last-described piece of land belonging to the said Perkins: *And provided, further*, That the said Perkins is able to give, and does give, to the United States a good and sufficient title to the piece of land now owned and occupied by him.

Certain expenses provided for.

[SEC. 2.] *And be it further resolved*, That the Secretary of the Interior is further authorized to defray the expense of moving the dwelling-house on the present Perkins' tract to the tract exchanged for it, and of digging and walling a well, out of any appropriation already made, or that may be made, for inclosing the grounds of the hospital.

APPROVED, July 1, 1864.

July 1, 1864.

[No. 62.] *A Resolution regulating the Investment of the Naval-Pension Fund.*

Moneys belonging to the naval pension fund how to be invested.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, as trustee of the naval pension fund, be, and he is hereby, authorized and directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of the said fund then in the treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the said secretary, so much of the said fund as may not be required for such payment of pensions accruing during the current fiscal year, shall be held in the treasury on the days aforesaid in each year, subject to his order for the purpose of such immediate investment; and the interest payable in coin upon the said securities in

which the said fund shall be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is hereby authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the said interest so converted in the treasury to the credit of the said naval pension fund; *Provided*, That nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as now regulated by law.

APPROVED, July 1, 1864.

[No. 63.] *Joint Resolution to grant additional Rooms to the Agricultural Department.* July 1, 1864.

WHEREAS the space assigned to the department of agriculture in the patent-office building, included between the central crypt and the west wing in the first story on the south front, is entirely inadequate to the necessities of the department, two of the rooms within these limits being used as furnace-rooms for the patent-office, one as a chemical laboratory, and another having recently been taken for the use of the land-office, leaving but five rooms, with one small storeroom, for the business of the department: and whereas, additional rooms are indispensably necessary for the convenience of the commissioner, for the accommodation of clerks engaged in the collection and compilation of statistics, and in other official duties; for the better accommodation of the operations of the chemist in making agricultural tests, analyses, and experiments, and for the arrangement and exhibition of pomological, entomological, and agricultural specimens, models, and paintings: Therefore,

Preamble.

[Repealed, *Ante*, p. 381.]

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the rooms now occupied by the department of agriculture, there shall be, and hereby is, assigned to the said department the suite of rooms upon the first floor included between the southwest corner and the western entrance of the patent-office building.

Additional rooms for the agricultural department.

APPROVED, July 1, 1864.

[No. 66.] *A Resolution requesting the President to appoint a Day for National Humiliation and Prayer.* July 2, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the executive departments to unite with him as the chief magistrate of the nation, at the city of Washington, and the members of congress, and all magistrates, all civil, military, and naval officers, all soldiers, sailors, and marines, with all loyal and law-abiding people, to convene at their usual places of worship, or wherever they may be, to confess and to repent of their manifold sins; to implore the compassion and forgiveness of the Almighty, that, if consistent with His will, the existing rebellion may be speedily suppressed, and the supremacy of the constitution and laws of the United States may be established throughout all the states; to implore Him, as the Supreme Ruler of the world, not to destroy us as a people, nor suffer us to be destroyed by the hostility or connivance of other nations, or by obstinate adhesion to our own counsels, which may be in conflict with His eternal purposes, and to implore Him to enlighten the mind of the nation to know and do His will; humbly believing that it is in accordance with His will that our place should be maintained as a united people among the family of nations; to implore Him to grant to

The President requested to appoint a day for fasting, &c.

our armed defenders and the masses of the people that courage, power of resistance, and endurance necessary to secure that result; to implore Him in His infinite goodness to soften the hearts, enlighten the minds, and quicken the consciences of those in rebellion, that they may lay down their arms, and speedily return to their allegiance to the United States, that they may not be utterly destroyed, that the effusion of blood may be stayed, and that unity and fraternity may be restored, and peace established throughout all our borders.

APPROVED, July 2, 1864.

July 2, 1864.

[No. 67.] *Joint Resolution in Relation to the Professors of the Military Academy at West Point.*

Professors of the military academy at West Point may be absent, &c. 1863, ch. 75, § 31. Vol. xii. p. 736. 1864, ch. 145, § 11. *Ante*, p. 145.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirty-first section of the act, entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, or the eleventh section of "An act to increase the pay of soldiers in the United States army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, shall not be construed to abridge the privileges usually allowed to the professors of the military academy, of being absent during the suspension of the ordinary academic studies of that institution.

APPROVED, July 2, 1864.

July 2, 1864.

1864, ch. 145, § 1. *Ante*, p. 144.

[No. 68.] *A Resolution explanatory of an Act entitled "An Act to increase the Pay of Soldiers in the United States Army, and for other Purposes," approved, June twentieth, eighteen hundred and sixty-four.*

Word "musicians" not to include, &c.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "musicians" in the first section of an act entitled "An act to increase the pay of soldiers in the United States army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, is not to be construed to include musicians, (other than leaders,) employed as members of brigade and regimental bands; but such members of bands shall be paid as heretofore, one fourth of the members of each band thirty-four dollars per month, one fourth of them twenty dollars per month, and the remaining half of them seventeen dollars per month.

APPROVED, July 2, 1864.

July 4, 1864.

[No. 75.] *A Resolution to increase the Compensation of Matrons in the Hospitals.*

Pay of hospital matrons to be increased.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of July, eighteen hundred and sixty-four, hospital matrons shall be entitled to and shall receive ten dollars per month and one ration.

APPROVED, July 4, 1864.

July 4, 1864.

[No. 76.] *Joint Resolution for the Relief of the Sufferers by a late Accident at the U. S. Arsenal in Washington, D. C.*

Appropriation for the relief of the sufferers by the accident at the Washington arsenal.

WHEREAS nearly thirty persons, mostly females, were terribly injured, nineteen of them fatally, by an explosion in the cartridge factory at the United States arsenal in Washington, D. C., on the seventeenth day of June, eighteen hundred and sixty-four; and whereas all of the wounded are poor, and dependent upon daily labor for bread, who by this calamity have been deprived of the power to earn their living, and are without the

means to procure the care and comforts necessary to their recovery; Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the relief of the victims of such explosion, — said money to be distributed under the direction of Major Benton, commanding at said arsenal, and in such manner as shall most conduce to the comfort and relief of said sufferers, according to their necessities respectively, and that he report to this house.

APPROVED, July 4, 1864.

[No. 77.] *Joint Resolution imposing a special Income Duty.* July 4, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the income duty already imposed by law, there shall be levied, assessed, and collected on the first day of October, eighteen hundred and sixty-four, a special income duty upon the gains, profits, or income for the year ending the thirty-first day of December next preceding the time herein named, by levying, assessing, and collecting said duty of all persons residing within the United States, or of citizens of the United States residing abroad, at the rate of five per centum on all sums exceeding six hundred dollars, and the same shall be levied, assessed, estimated, and collected, except as to the rate, according to the provisions of existing laws for the collection of an income duty, annually, where not inapplicable hereto; and the Secretary of the Treasury is hereby authorized to make such rules and regulations as to time and mode, or other matters, to enforce the collection of the special income duty herein provided for, as may be necessary: *Provided*, That in estimating the annual gains, profits, or income, as aforesaid, for the foregoing special income duty, no deductions shall be made for dividends or interest received from any association, corporation, or company, nor shall any deduction be made for any salary or pay received.

Additional income duty for the year ending December 31, 1863.

When to be levied, collected, &c.

APPROVED, July 4, 1864.

[No. 78.] *Joint Resolution explanatory of a Joint Resolution relative to Pay of Staff Officers of the Lieutenant-General.* July 4, 1864.

See *Ante*, No. 31. p. 406.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution relative to pay of staff officers of the lieutenant-general, approved May twenty, eighteen hundred and sixty-four, shall be so construed as to entitle all the staff officers on the staff of the lieutenant-general to receive the pay, emoluments, and allowances of cavalry officers of the same grade.

Pay of staff officers of the lieutenant-general.

APPROVED, July 4, 1864.

PUBLIC ACTS OF THE THIRTY-EIGHTH CONGRESS

OF THE

UNITED STATES.

Passed at the second session, which was begun and holden at the City of Washington, in the District of Columbia, on Monday, the fifth day of December, A. D. 1864, *and ended Saturday, the fourth day of March, A. D.* 1865.

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice-President, and President of the Senate. DANIEL CLARK was elected President of the Senate, *pro tempore*, on the ninth day of February, and so acted until and including the nineteenth day of that month. SCHUYLER COLFAX, Speaker of the House of Representatives.

CHAP. I. — *An Act in Addition to the "Act respecting Quarantines and Health Laws," approved February twenty-fifth, one thousand seven hundred and ninety-nine, and for the better Execution of the third Section thereof.*

Dec. 15, 1864.

1799, ch. 12. Vol. i. p. 619.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to purchase or erect suitable warehouses and other conveniences for the storage of goods and merchandise imported in any vessel subject to quarantine or other restraint, pursuant to the health laws of the State of New York, at such convenient place or places within or near the port of New York as the safety of the public revenue and the observance of such health laws may require; and the sum of twenty thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to defray the expense thereof.

Warehouses to be erected in New York for storage of imports in vessels subject to quarantine.

Appropriation.

APPROVED, December 15, 1864.

CHAP. II. — *An Act authorizing the Holding of a special Session of the United States District Court for the District of Indiana.*

Dec. 20, 1864.

Ante, p. 3.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a special session of the United States district court for the district of Indiana shall be holden at the usual place of holding said court on the first Tuesday in January, eighteen hundred and sixty-five.

Special session of district court in Indiana.

SEC. 2. *And be it further enacted*, That all suits and proceedings of a civil or criminal nature, now pending in or returnable to said court, shall be proceeded in, heard, tried, and determined by said court, at said special session, in the same manner as at a regular term of said court, and the judge thereof is hereby empowered to order the empanelling of a petit and grand jury for said session.

Pending, &c., process.

Jurors.

APPROVED, December 20, 1864.

CHAP. III. — *An Act to authorize the Purchase or Construction of Revenue Cutters on the Lakes.*

Dec. 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized to construct, or purchase and alter, not exceeding six steam revenue cutters, for service on the Lakes; and for that purpose the sum of one million of dollars, or so much thereof as is necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Six steam revenue cutters for the lakes authorized.

Appropriation.

APPROVED, December 20, 1864.

Dec. 21, 1864.

CHAP. VI.— *An Act to establish the Grade of Vice-Admiral in the United States Navy.*

Grade of vice-admiral established.

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 empowered, by and with the advice and consent of the Senate, to appoint one vice-admiral, who shall be selected from the list of active rear-admirals, and who shall be the ranking officer in the navy of the United States, and whose relative rank with officers of the army shall be that of lieutenant-general in the army.

Appointment, rank, &c.

Pay.

SEC. 2. *And be it further enacted*, That the pay of the vice-admiral of the navy shall be seven thousand dollars when at sea, six thousand dollars when on shore duty, and five thousand dollars when waiting orders.

Provision of former act not to apply hereto.

1861, ch. 1, § 1. Vol. xii. p. 329.

SEC. 3. *And be it further enacted*, That the first section of an act, approved December twenty-first, eighteen hundred and sixty-one, entitled "An act further to promote the efficiency of the navy," shall not be so construed as to apply to any one holding a commission as vice-admiral in the navy.

APPROVED, December 21, 1864.

Dec. 22, 1864.

CHAP. VIII. — *An Act to amend the Act entitled "An Act to provide internal Revenue to support the Government, to pay Interest on the public Debt, and for other Purposes," approved June thirtieth, eighteen hundred and sixty-four.*

1864, ch. 173, § 55. *Ante*, p. 243.

"January" substituted for "February" in section fifty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of an act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, be amended by striking out the word "February" wherever it occurs in said section, and inserting, in lieu thereof, the word January.

APPROVED, December 22, 1864.

Dec. 22, 1864.

CHAP. IX. — *An Act to extend the Time allowed for the Withdrawal of certain Goods therein named from public Stores.*

Time for withdrawal of certain goods from public stores extended.

1862, ch. 163, § 21. Vol. xii. p. 559.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in computing the three years allowed by the twenty-first section of the act entitled "An act increasing temporarily the duties on imports, and for other purposes," approved July fourteenth, eighteen hundred and sixty-two, for the withdrawal of goods from any public store or bonded warehouse for exportation to foreign countries, or transshipment to any port of the Pacific or western coast of the United States, if such exportation or transshipment of any goods shall, either for the whole or any part of the said term of three years have been prevented by reason of any order of the President of the United States, the time during which such exportation or transshipment of such goods shall have been so prevented, as aforesaid, shall be excluded from the said computation.

APPROVED, December 22, 1864.

Jan. 10, 1865.

CHAP. XI. — *An Act to repeal the Provision of Law requiring certain Regents of the Smithsonian Institution to be Members of the National Institute.*

Two regents of Smithsonian Institution need not be members of National Institute.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act "To establish the Smithsonian Institution, for the increase and diffusion of knowledge among men" as requires that two of the regents of said institution shall be members of the National Institute in the city of Washington, be, and the same is hereby, repealed.

APPROVED, January 10, 1865.

Jan. 11, 1865.

CHAP. XII. — *An Act making Appropriations for the Payment of invalid and other Pensions of the United States for the Year ending the thirtieth of June, eighteen hundred and sixty-six.*

Pensions appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, eighteen hundred and sixty-six: —

Invalid.

For invalid pensions under various acts, four million dollars.

Revolutionary. 1818, ch. 19. 1828, ch. 53. 1832, ch. 126. 1838, ch. 189. 1843, ch. 102. 1844, ch. 102. 1848, ch. 8, 120. 1853, ch. 41.

For revolutionary pensions, per acts of March eighteenth, eighteen hundred and eighteen; May fifteenth, eighteen hundred and twenty-eight; June seventh, eighteen hundred and thirty-two; third section of act of July seventh, eighteen hundred and thirty-eight; March third, eighteen hundred and forty-three; June seventeenth, eighteen hundred and forty-four; February second and July twenty-ninth, eighteen hundred and forty-eight; and second section [of] act of February third, eighteen hundred and fifty-three, two hundred and thirty thousand dollars.

Widows, children, &c. 1836, ch. 362. 1848, ch. 108. 1853, ch. 41. 1858, ch. 85. 1862, ch. 166.

For pensions to widows, mothers, children, and sisters, under the first section of the act of fourth July, eighteen hundred and thirty-six; act of July twenty first, eighteen hundred and forty-eight; first section of the act of February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; and July fourteenth, eighteen hundred and sixty-two, seven million dollars.

Deficiency appropriation.

SEC. 2. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated to supply deficiencies in the appropriations for the present fiscal year: for the payment of pensions under the acts of March eighteenth, eighteen hundred and eighteen; May fifteenth, eighteen hundred and twenty-eight; June seventh, eighteen hundred and thirty-two; third section of act of July fourth, eighteen hundred and thirty-six; July seventh, eighteen hundred and thirty-eight; *January* [June] seventeenth, eighteen hundred and forty-four; March third, eighteen hundred and forty-three; February second and July twenty-ninth, eighteen hundred and forty-eight; and second section of act of February third, eighteen hundred and fifty-three, sixty-five thousand dollars.

For the payment of pensions under the first section of the act of July fourth, eighteen hundred and thirty-six; act of July twenty-first, eighteen hundred and forty-eight; first section of the act of February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; and July fourteenth, eighteen hundred and sixty-two, three million five hundred thousand dollars.

APPROVED, January 11, 1865.

Jan. 13, 1865.

CHAP. XIII. — *An Act to amend an Act entitled "An Act for the Punishment of Crimes in the District of Columbia," approved March second, eighteen hundred and thirty-one.*

1831, ch. 37, § 2. Vol. iv. p. 448.

Punishment of manslaughter, &c., in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of an act entitled "An act for the punishment of crimes in the District of Columbia," approved March second, eighteen hundred and thirty-one, be, and the same is hereby, amended so as to read as follows: That every person duly convicted of manslaughter, or of any assault with intent to kill, shall be sentenced to suffer imprisonment and labor, for the first offence, for a period not less than two nor more than eight years, for the second offence, for a period not less than six nor more than fifteen years.

APPROVED, January 13, 1865.

Jan. 20, 1865.

CHAP. XVI. — *An Act to amend an Act entitled "An Act to provide for carrying the Mails from the United States to Foreign Ports, and for other Purposes," approved March twenty-fifth, eighteen hundred and sixty-four.*

1864, ch. 40, § 4. *Ante*, p. 36.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth section of an

Postage on mail matter between Kansas and California.

act entitled "An act to provide for carrying the mails from the United States to foreign ports, and for other purposes," approved March twenty-fifth, eighteen hundred and sixty-four, be so amended as to insert in the proviso in said section, after the word "newspapers," the words "periodicals, magazines, and exchanges," so that it will read: *Provided*, That this section shall not be held to extend to the transmission by mail of newspapers, periodicals, magazines, and exchanges, from a known office of publication, to bona fide subscribers, not exceeding one copy to each subscriber from any one office.

Approved, January 20, 1865.

Jan. 24, 1865.

Chap. XVIII. — *An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-six.*

Consular and diplomatic appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six, namely: —

Envoys, ministers, and commissioners.

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Republic of Mexico, China, Italy, Chili, Peru, Portugal, Switzerland, Rome, Belgium, Holland, Denmark, Sweden, Turkey, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, Paraguay, Japan, and Salvador, three hundred and eight thousand five hundred dollars.

Secretaries of legation and assistants.

For salaries of secretaries of legation, thirty thousand dollars.

For salaries of assistant secretaries of legation at London and Paris, three thousand dollars.

Interpreters.

For salary of the interpreter to the legation to China, five thousand dollars.

For salary of the secretary of legation to Turkey, acting as interpreter, three thousand dollars.

For salary of the interpreter to the legation to Japan, two thousand five hundred dollars.

Contingent expenses.

For contingent expenses of all the missions abroad, sixty thousand dollars.

For contingent expenses of foreign intercourse, eighty thousand dollars.

Barbary Powers.

For expenses of intercourse with the Barbary Powers, three thousand dollars.

Consulates in Turkish dominions.

For expenses of the consulates in the Turkish dominions, namely: interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, Alexandria, and Beirut, two thousand five hundred dollars.

American seamen.

For the relief and protection of American seamen in foreign countries, two hundred thousand dollars.

Rescuing seamen.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, seven thousand dollars.

Blank-books, stationery, &c.

For the purchase of blank-books, stationery, bookcases, arms of the United States, seals, presses, and flags, and for the payment of postages and miscellaneous expenses of the consuls of the United States, including loss by exchange, fifty-five thousand dollars.

Office rent.

For office rent for those consuls-general, consuls, and commercial agents who are not allowed to trade, including loss by exchange thereon, fifty thousand dollars.

Consuls-general, consuls, &c.

For salaries of consuls-general, consuls, commercial agents, and thirteen consular clerks, namely: —

I. CONSULATES GENERAL.

SCHEDULE B.

Alexandria, Calcutta, Constantinople, Frankfort-on-the-Main, Havana, Montreal, Shanghai.

III. CONSULATES.

SCHEDULE B.

Acapulco, Aix-la-Chapelle, Algiers, Amoy, Amsterdam, Antwerp, Aspinwall, Aux Cayes, Bahia, Barcelona, Bankok, Basle, Belfast, Beirut, Bergen, Bermuda, *Bilbao*, [Bilboa,] Buenos Ayres, Bordeaux, Bremen, Bristol, Brindisi, Boulogne, Cadiz, Callao, Candia, Canton, Cardiff, Chin Kiang, Clifton, Coaticook, Cork, Curaçoa, Demarara, Dundee, Elsinore, Erie, Foo Choo, Funchal, Galatz, Gaspé Basin, Geneva, Genoa, Gibraltar, Glasgow, Goderich, Gottenberg, Guaymas, Halifax, Hamburg, Havre, Honolulu, Hong-Kong, Jerusalem, Kanagawa, Kingston, Kingston in Canada, La Rochelle, Laguayra, Lahaina, La Paz, La Union, Leeds, Leghorn, Leipsic, Lisbon, Liverpool, London, Lyons, Macao, Malaga, Malta, Manchester, Manzanillo, Maracaibo, Matanzas, Marseilles, Mauritius, Melbourne, Messina, Moscow, Munich, Nagasaki, Nantes, Naples, Nassau, (West Indies,) Newcastle, Nice, Odessa, Oporto, Palermo, Panama, Paramaribo, Paris, Pernambuco, Pictou, Ponce, Port Mahon, Prescott, Prince Edward Island, Quebec, Revel, Rio de Janeiro, Rotterdam, San Juan del Sur, San Juan, (Porto Rico,) Santander, Santiago de Cuba, Santos, Port Sarnia, Scio, Singapore, Smyrna, Southampton, Stockholm, Saint John, (Newfoundland,) Saint John, (New Brunswick,) Saint Petersburg, Saint Pierre, (Martinique,) Saint Thomas, Stuttgardt, Swatow, Saint Helena, Tabasco, Tampico, Tangier, Tehuantepec, Toronto, Trieste, Trinidad de Cuba, Trinidad, Tripoli, Tunis, Turk's Island, Valparaiso, Valencia, Venice, Vera Cruz, Vienna, Windsor, Zurich.

IV. COMMERCIAL AGENCIES.

Commercial agents.

SCHEDULE B.

Amoor River, Antigua, Balize, (Honduras,) Gaboon, Madagascar, San Juan del Norte, Saint Domingo, Saint Marc.

V. CONSULATES.

Consuls.

SCHEDULE C.

Barbadoes, Batavia, Bay of Islands, Cape Haytien, Cape Town, Carthegena, Ceylon, Cobija, Cyprus, Falkland Islands, Fayal, Guyaquil, Lanthala, Maranham, Matamoras, Mexico, Montevideo, Omos, Payta, Paso del Norte, Piræus, Rio Grande, Sabanilla, Saint Catherine, Santa Cruz, (West Indies,) Santiago, (Cape Verde,) Spezzia, Stettin, Tahita, Talcahuano, Tumbez, Zanzibar.

VI. COMMERCIAL AGENCIES.

Commercial agents.

SCHEDULE C.

Apia, Saint Paul de *Loando*, [Loanda,] including loss by exchange thereon, four hundred and fifty thousand dollars.

For interpreters to the consulates in China, including loss by exchange thereon, five thousand eight hundred dollars. Interpreters.

Persons charged with crime.

For expenses incurred, under instructions from the Secretary of State, in bringing home from foreign countries persons charged with crime, and expenses incident thereto, twenty thousand dollars.

Marshals in consular courts.

For salaries of the marshals for the consular courts in Japan, China, Siam, and Turkey, including loss by exchange thereon, nine thousand dollars.

Prisons.

For rent of prisons for American convicts in Japan, China, Siam, and Turkey, and for wages of the keepers of the same, nine thousand dollars.

Hayti and Liberia.

For salaries of commissioners and consuls-general to Hayti and Liberia, eleven thousand five hundred dollars.

Suppression of slave-trade. 1862, ch. 140. Vol. xii. p. 531.

For expenses under the act of congress to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave-trade, seventeen thousand dollars.

Immigration. 1864, ch. 246. *Ante*, p. 385.

For expenses under the act to encourage immigration, twenty-five thousand dollars.

Neutrality.

For expenses under the neutrality act, twenty thousand dollars.

Boundary line commissioners.

For expenses of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, thirteen thousand two hundred and fifty dollars.

Approved, January 24, 1865.

Jan. 24, 1865.

Chap. XIX. — *An Act to provide for an Advance of Rank to Officers of the Navy and Marine Corps for distinguished Merit.*

Certain officers of army and navy may be advanced in rank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer of the navy or marine corps, by and with the advice and consent of the Senate, may be advanced, not exceeding thirty numbers in rank, for having exhibited eminent and conspicuous conduct in battle, or extraordinary heroism.

To be promoted though grade is full.

Sec. 2. *And be it further enacted*, That any officer of the navy or marine corps, either of volunteers or otherwise, who shall be nominated to a higher grade by the provisions of the first section of this act, or of that of section nine of an act entitled "An act to establish and equalize the grades of line officers of the United States navy," approved July sixteenth, eighteen hundred and sixty-two, shall be promoted, notwithstanding the number of said grade may be full, but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

1862, ch. 183, § 9. Vol. xii. p. 584.

Repealing clause.

Sec. 3. *And be it further enacted*, That all acts, or parts of acts, which are inconsistent with the provisions of this act, are hereby repealed.

Approved, January 24, 1865.

Jan. 24, 1865.

Chap. XX. — *An Act supplementary to an Act entitled "An Act to prescribe an Oath of Office, and for other Purposes," approved July two, eighteen hundred and sixty-two.*

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

Attorneys and counsellors in national courts to take oath.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person, after the date of this act, shall be admitted to the bar of the supreme court of the United States, or at any time after the fourth of March next, shall be admitted to the bar of any circuit or district court of the United States, or of the court of claims, as an attorney or counsellor of such court, or shall be allowed to appear and be heard in any such court, by virtue of any previous admission, or any special power of attorney, unless he shall have first taken and subscribed the oath prescribed in "An act to prescribe an oath of office, and for other purposes," approved July two, eighteen hundred and sixty-two, according to the forms and in the manner in the said act provided; which said oath so taken and subscribed shall be preserved among the files of such court, and any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, shall be liable to the pains and penalties of perjury, and the additional pains and penalties in the said act provided.

Oath to be filed.

Falsely taking, to be perjury.

Approved, January 24, 1865.

CHAP. XXII. — *An Act to amend an Act entitled "An Act to provide Ways and Means for the Support of the Government, and for other Purposes," approved June thirtieth, eighteen hundred and sixty-four.*

Jan. 28, 1865.

1864, ch. 172. *Ante*, p. 218.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of any bonds authorized to be issued by the first section of the act entitled "An act to provide ways and means for the support of the government," approved June thirtieth, eighteen hundred and sixty-four, that may remain unsold at the date of this act, the Secretary of the Treasury may issue, under the authority of said act, treasury notes of the description and character authorized by the second section of said act: *Provided*, That the whole amount of bonds authorized as aforesaid, and treasury notes issued and to be issued in lieu thereof, shall not exceed the sum of four hundred millions of dollars; and such treasury notes may be disposed of for lawful money, or for any other treasury notes or certificates of indebtedness or certificates of deposit issued under any previous act of congress; and such notes shall be exempt from taxation by or under state or municipal authority.

Treasury notes may be issued in lieu of bonds.

Bonds and notes not to exceed $400,000,000

how disposed of;

exempt from taxation.

SEC. 2. *And be it further enacted*, That any bonds known as five-twenties, issued under the act of twenty-fifth February, eighteen hundred and sixty-two, remaining unsold to an amount not exceeding four millions of dollars, may be disposed of by the Secretary of the Treasury in the United States, or, if he shall find it expedient, in Europe, at any time, on such terms as he may deem most advisable: *Provided*, That this act shall not be so construed as to give any authority for the issue of any legal tender notes, in any form, beyond the balance unissued of the amount authorized by the second section of the act to which this is an amendment.

Certain five-twenties may be sold.

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

No additional legal tender notes authorized hereby.

APPROVED, January 28, 1865.

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

Jan. 28, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and sixty-six, out of any moneys in the treasury arising from the revenues of the said department, in conformity to the act of the second of July, eighteen hundred and thirty-six: —

Post-office appropriation.

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

Transportation of mails.

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

Ship, &c., letters.

For compensation to postmasters, three million one hundred and seventy-five thousand dollars.

Postmasters.

For clerks for post-offices, one million three hundred thousand dollars.

Clerks.

For payment to letter-carriers, four hundred thousand dollars.

Letter-carriers.

For wrapping paper, seventy-five thousand dollars.

For twine, seventeen thousand dollars.

For office stamps, six thousand dollars.

Wrapping paper, twine, stamps, &c.

For letter balances, two thousand five hundred dollars.

For compensation to blank agents and assistants, seven thousand dollars.

Blank agents, &c.

For office furniture, two thousand dollars.

For advertising, sixty-eight thousand dollars.

Advertising.

For postage stamps and stamped envelopes, two hundred and fifty thousand dollars.

Postage stamps and envelopes.

For mail depredations and special agents, seventy thousand dollars.

Special agents.

For mail-bags, sixty thousand dollars.

For mail locks and keys, eight thousand dollars.

Mail bags, locks and keys.

Balances to foreign countries.

For payment of balances due to foreign countries, three hundred and fifty thousand dollars.

For miscellaneous payments, two hundred and fifty thousand dollars.

Foreign mail transportation.

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

APPROVED, January 28, 1865.

Jan. 30, 1865.

CHAP. XXIV. — *An Act to amend the Charter of the "Washington Gas-Light Company."*

Price of gas in Washington, D. C.
1860, ch. 211. Vol. xii. p. 107.
1862, ch. 143. Vol. xii. p. 534.
1848, ch. 96. Vol. ix. p. 722.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the acts of June twenty-five, eighteen hundred and sixty, and July eleven, eighteen hundred and sixty-two, as relate to the price of gas furnished by the "Washington Gas-Light Company," be, and the same are hereby, repealed; and the act incorporating the "Washington Gas-Light Company" is hereby so amended as to prohibit the said company from receiving, on and after the first day of December, eighteen hundred and sixty-four, for the benefit of its stockholders, a greater price for gas than forty cents per hundred cubic feet, subject to a discount of ten per centum on all bills for gas furnished to the general government, and five per centum on all bills for gas furnished to other consumers, if paid at the office of the company within seven days from the rendition thereof.

APPROVED, January 30, 1865.

Jan. 30, 1865.

CHAP. XXV. — *An Act to amend an Act entitled "An Act to incorporate the Metropolitan Railroad Company, in the District of Columbia," approved July first, eighteen hundred and sixty-four.*

1864, ch. 190, § 17.
Ante, p. 329.

Time for completing portion of road extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventeen of the act to incorporate the Metropolitan Railroad Company, of the District of Columbia, approved July first, eighteen hundred and sixty-four, be, and the same is hereby, amended so as to extend the time for the completion of their railroad line, except that part thereof between Seventeenth Street and the Capitol, for one year from the passage of this act: *Provided, however*, That the line from Seventeenth Street and the Capitol be completed, equipped, and running, within thirty days from the passage of this act.

Proviso.

APPROVED, January 30, 1865.

Jan. 30, 1865.

CHAP. XXVI. — *An Act to amend the Act entitled "An Act to amend and extend the Charter of the Franklin Insurance Company," approved second March, eighteen hundred and thirty-eight.*

1838, ch. 16. Vol. vi. p. 704.

Charter of Franklin Insurance Company extended for twenty years.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to amend and extend the charter of the Franklin Insurance Company, passed on the second day of March, eighteen hundred and thirty-eight, be, and the same is hereby, extended and continued in force for the period of twenty years, from the ninth day of April, eighteen hundred and fifty-eight, the time at which such amendatory act expired; and that all proceedings had by the said Franklin Insurance Company, and all legal rights accrued or acquired, and all legal obligations entered into by said company between the ninth day of April, eighteen hundred and fifty-eight, and the date of this act be, and the same are hereby, made valid for all legal purposes.

Acts legalized.

Increase of capital stock.

SEC. 2. *And be it further enacted*, That the Franklin Insurance Company are hereby authorized to increase their capital stock to an amount not exceeding two hundred and fifty thousand dollars.

APPROVED, January 30, 1865.

CHAP. XXIX. — *An Act for the Relief of certain friendly Indians of the Sioux Nation, in Minnesota.* Feb. 9, 1865.

Relief of friendly Sioux Indians in Minnesota.

WHEREAS certain Indians of the Sioux nation did, during the outbreak in Minnesota in eighteen hundred and sixty-two, at the risk of their lives, aid in saving many white men, women, and children from being massacred, and, in consequence of such action, were compelled to abandon their homes and property, and are now entirely destitute of the means of support: Therefore,

Examination of facts to be made, and their welfare provided for.

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 and requested to cause an examination to be made in relation to all the facts pertaining to the action of the said Indians, and to make such provision for their welfare as their necessities and future protection may require.

Appropriation.

SEC. 2. *And be it further enacted*, That, for the purpose of carrying out the provisions of this act, the sum of seven thousand five hundred dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated; one third of said sum to be paid and expended for the benefit of Am-pe-tu-to-ke-cha, or John Other-day, and the remainder for the benefit of such other Indians as shall appear specially entitled thereto, for their friendly, extraordinary, and gallant services in rescuing white settlers from massacre in Minnesota: *Provided*, That not more than the sum of five hundred dollars shall be expended for any one Indian, except the chief above mentioned; and that the Secretary of the Interior shall report to the next congress the names of the Indians for whose benefit the same shall be expended, and the amount expended for each.

How to be expended.

Proviso.

Report to congress.

APPROVED, February 9, 1865.

CHAP. XXX. — *An Act to extend to certain Persons in the Employ of the Government, the Benefits of the Asylum for the Insane in the District of Columbia.* Feb. 9, 1865.

Certain persons may be admitted to the asylum for the insane 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 during the continuance of the rebellion, civilians employed in the service of the United States in the quartermaster's department and subsistence department of the army, who may be, or may hereafter become insane while in such employment, shall be admitted, on the order of the Secretary of War, the same as persons belonging to the army and navy, to the benefits of the asylum for the insane in the District of Columbia, as provided in such other cases by the fourth section of the "Act to organize an institution for the insane of the army and navy, and of the District of Columbia in the said District," approved March third, eighteen hundred and fifty-five.

1855, ch. 199, § 4. Vol. x. p. 682.

APPROVED, February 9, 1865.

CHAP. XXXII. — *An Act to provide for Acting Assistant Treasurers or Depositaries of the United States in certain Cases.* Feb. 13, 1865.

Acting assistant treasurers and depositaries of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the sickness or unavoidable absence of any assistant treasurer or depositary of the United States from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary: *Provided*, That the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases: *And provided further*, That such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the assistant treasurer or depositary respectively for whom he shall act.

Bond.

Acting officers subject to penalties.

APPROVED, February 13, 1865.

Feb. 14, 1865.

CHAP. XXXIV. — *An Act to incorporate the National Union Insurance Company of Washington.*

National Union Insurance Company of Washington incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James Harper, Thomas Patton, C. H. Moody, John W. Magill, John M. Reilly, B. F. Guy, Valentine Blanchard, Thomas J. Fisher, Hudson Taylor, Augustus F. Perry, D. Walker, James Montgomery, Joseph J. May, or any five of them, be, and they are hereby, authorized and empowered to receive subscriptions to the capital stock of a company to be denominated "The National Union Insurance Company of Washington," who shall open a book for that purpose in the city of Washington, at the time and place to be by them designated, of which they shall give ten days' notice in two or more of the daily papers of said city, and shall keep the same open until twenty thousand shares of fifty dollars a share each shall have been subscribed; and any person of lawful age, and a citizen of the United States, shall be permitted to subscribe upon paying five dollars on each share at the time of subscribing. And it shall be lawful for the said corporation to have a common seal, sue and be sued, plead and be impleaded, and have and exercise all the rights, privileges, and immunities for the purposes of the corporation hereby created.

Amount of capital and value of shares.

Membership.

Seal, powers, &c.

Directors, how and when elected.

Votes.

Notice of meeting.

First election.

SEC. 2. *And be it further enacted*, That the affairs of the company shall be managed by nine directors, to be elected annually by ballot on the second Monday of July by the stockholders or by their legally empowered agents; and each share of stock shall entitle the holder thereof to one vote; the election to be held at the office of the company at a general meeting of the stockholders convened for that purpose, by ten days' public notice in two or more of the daily papers of the city of Washington: *Provided*, That the first election for directors shall be held pursuant to ten days' notice given in one or more of the daily papers of the city of Washington by the persons named in the first section of this act, or any five of them, who shall designate the time when and the place where said election shall be held; and the stockholders shall then and there elect nine directors to serve until the next ensuing election as provided for in this act. And at the first ensuing meeting of the directors after every election, they shall appoint one of their number as president, who, together with themselves, shall hold office until the next ensuing election as herein provided for; and five members of said board shall compose a quorum. And in case that an election for directors should not be made when pursuant to this act it should have been made, the company for that cause shall not be dissolved; and it shall be lawful, within forty days thereafter, to hold and make an election for directors in such manner as the by-laws of the company may prescribe, and the president and directors for the time being shall be continued in office, until such election take place. And in the event of death, resignation, or removal of any director from office, his place for the remainder of his term may be filled by the president and directors for the time being, in such manner as the by-laws may prescribe.

Directors to elect a president.

Term of office; quorum.

Failure to hold election at appointed time.

Vacancies in office.

Appointment of officers, agents, &c.

SEC. 3. *And be it further enacted*, That the president and directors shall have power to appoint a secretary and such other officers, agents, and clerks as may to them appear proper, to fix their compensation and pay the same.

Capital stock, how called in.

SEC. 4. *And be it further enacted*, That the capital stock shall be called in, and paid in such instalments and proportions, and at such times and place, as the president and directors for the time being may require and designate, who shall give fifteen days' notice thereof in two or more daily papers of the city of Washington. And if any stockholder, subscriber, their assignee or transferee, shall refuse or neglect to pay such proportion or instalment, at the time and place appointed, such stockholder, subscriber, transferee, or assignee shall, at the option of the president and

Delinquent subscribers.

directors, forfeit to the use of the company all his, her, or their right, title, and interest in and to every share on which such instalment has not been duly made; and fresh subscriptions may be opened for the same, in such manner as the by-laws may prescribe, or the president and directors may, at their option, commence suit for the same and recover against the holder of said stock for the amount of the instalment or proportion so unpaid: *Provided*, That no stockholder or subscriber shall be permitted to vote at any election for directors, or at any general or special meeting of the company, on whose shares any instalments or arrearages may be due more than fifteen days previous thereto.

Delinquent stockholders not to vote.

SEC. 5. *And be it further enacted*, That the president and directors for the time being shall have power to ordain, establish, and put in execution such rules, regulations, ordinances, and by-laws as they may deem essential for the well government of the institution, not contrary to the laws and Constitution of the United States, or of this act, and generally to do and perform all acts, matters, and things which a corporation may or can lawfully do.

By-laws.

General powers of directors.

SEC. 6. *And be it further enacted*, That the president and directors are hereby empowered and fully authorized, on behalf of the company, to make insurance against losses by fire on any house, building, tenement, manufactories, mills, or other buildings; on goods, wares, chattels, and effects of all kinds therein, or otherwise; upon grain, produce, and implements, and upon vessels building on the stocks, in port or at moorings; and, generally, upon all and every sort and description of property, of whatever kind soever, on land or water; and to make, execute, perfect, and conclude so many contracts, bargains, agreements, policies, and other instruments as the nature of the case shall or may require; and all such instruments, bargains, contracts, policies, or agreements shall be in print or in writing, and shall be signed by the president and secretary, or such other persons as the managers may appoint for such purpose, and shall be under the seal of the company: *Provided*, That said president and directors may, at their option and discretion, make insurance on such terms and conditions as to them may appear equitable, reserving the premiums, or appropriating and returning such portions thereof to the insured as may to them appear conducive to the interest of the company and the insured, in such manner and on such conditions as may appear to them just and proper.

Corporation may insure against loss by fire, &c.

Policies, how executed.

Premiums.

SEC. 7. *And be it further enacted*, That the president and directors shall, on the third Monday in June of each and every year, divide so much of the profits of said company as to them may appear advisable, first deducting all expenses, and pay the same to the respective stockholders or their agents, duly empowered, in ten days thereafter; but the money received as premiums upon risks which remain outstanding and undetermined at the time of declaring such dividend, shall not then be considered as part of the profits; and if the capital stock paid in shall be lessened by losses, no subsequent dividend shall be made or declared until a sum equal to said diminution shall have been added to the capital stock.

Yearly dividend of profits.

SEC. 8. *And be it further enacted*, That the stock of said company shall be transferred on the books of the company in such manner only as the by-laws of the company shall direct.

Transfer of stock.

SEC. 9. *And be it further enacted*, That nothing in this act shall be construed as making it perpetual, but congress may at any time alter, amend, or repeal the same.

Act may be altered, &c.

APPROVED, February 14, 1865.

CHAP. XXXV. — *An Act for the Relief of Collectors and Surveyors of the Customs in certain Cases.*

Feb. 14, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which any

Certain collectors and surveyors of customs may have certain duties remitted to them.

collector or surveyor of the customs has paid or accounted for, or is charged with duties accruing under the "Joint resolution to increase temporarily the duties on imports," approved April twenty-ninth, eighteen hundred and sixty-four, and in which the Secretary of the Treasury shall be satisfied that the collection of the said duties was omitted by such collector or surveyor, for the reason that he was not informed of the passage of said resolution when said duties accrued, the said Secretary be, and he is hereby, authorized, under such rules as he may prescribe, to remit or refund, as the case may require, such duties to such collector or surveyor.

Ante, pp. 405, 411.

Approved, February 14, 1865.

Feb. 17, 1865.

Chap. XXXVII. — *An Act to authorize the Establishment of Ocean Mail-Steamship Service between the United States and China.*

Proposals to be advertised for, for mail-steamship service between San Francisco and China and Japan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to invite proposals by public advertisement, for the period of sixty days, in one or more newspapers published in the cities of Washington, New York, Philadelphia, Boston, and San Francisco, respectively, for mail-steamship service between the port of San Francisco, in the United States, and some port or ports in the Chinese empire, touching at Honolulu, in the Sandwich Islands, and one or more ports in Japan, by means of a monthly line of first-class American sea-going steamships, to be of not less than three thousand tons burden each, and of sufficient number to perform twelve round trips per annum between said ports, and to contract with the lowest responsible bidder for said service for a term of not more than ten years, to commence from the day the first steamship of the proposed line shall depart from the port of San Francisco with the mails for China: *Provided*, That no bid shall be considered which shall amount to more than five hundred thousand dollars for the twelve round trips per annum, nor unless the same is from a citizen or citizens of the United States, and accompanied by an offer of good and sufficient sureties (also citizens of the United States) for the faithful performance of such contract.

Monthly trips.

Lowest responsible bidder to have contract for ten years.

Bids to be from citizens, and not to call for over $500,000 a year, &c.

Sureties.

Contract, when to go into effect.

Sec. 2. *And be it further enacted*, That any contract which the Postmaster-General may execute, under the authority of this act, shall go into effect on or before the first day of January, one thousand eight hundred and sixty-seven, and shall, in addition to the usual stipulations of ocean mail-steamship contracts, provide that the steamships accepted for the service shall be constructed of the best material and after approved models, with all the modern improvements adapted to sea-going steamships of the first class, and shall be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster-General. That the government of the United States shall be entitled to have transported, free of expense, on each and every steamer, a mail-agent, to take charge of and arrange the mail-matter, to whom suitable accommodation for that purpose shall be assigned. That in case of failure from any cause to perform any of the regular monthly voyages stipulated for in the contract, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages. That suitable fines and penalties may be imposed for delays and irregularities in the performance of the service, and that the Postmaster-General shall have the power to determine the contract at any time in case of its being underlet or assigned to any other party.

Provisions as to construction of the vessels.

Mail-agents.

Deductions for failures.

Fines for delays, &c.

Contract may be determined; when, &c.

Approved, February 17, 1865.

CHAP. XXXVIII. — *An Act supplementary to an Act approved July fourteen, eighteen hundred and sixty-two, entitled "An Act to establish certain Post-Roads."*

Feb. 17. 1865.

1862, ch. 167. Vol. xii. p. 569.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of congress approved July fourteen, eighteen hundred and sixty-two, entitled "An act to establish certain post-roads," shall be, and the same is hereby, so amended as to authorize the Louisville and Nashville Railroad Company, and the Jeffersonville Railroad Company (stockholders in the Louisville Bridge Company) to construct a railroad-bridge over the Ohio River at the head of the falls of the Ohio, subject to all the provisions of said act: *Provided*, That the said bridge may be constructed at a height not less than fifty-six feet above low-water mark, and with three draws, sufficient to pass the largest boats navigating the Ohio River; one over the Indiana chute, one over the middle chute, and one over the canal: *Provided*, That the spans of said bridge shall not be less than two hundred and forty feet, except over the Indiana and middle chute and the canal; said bridge shall be constructed with draws of one hundred and fifty feet wide on each side of the pivot pier over the Indiana and middle chutes, and ninety feet wide over the canal: *And provided further*, That said bridge and draws shall be so constructed as not to interrupt the navigation of the Ohio River.

A railroad-bridge may be built over the Ohio River at the head of the falls.

Height, spans, draws, &c.

Navigation not to be interrupted.

SEC. 2. *And be it further enacted*, That the bridge erected under the provisions of this act shall be a lawful structure, and shall be recognized and known as a post-route.

Bridge to be a post-route.

APPROVED, February 17, 1865.

CHAP. XXXIX. — *An Act to establish a Bridge across the Ohio River at Cincinnati, Ohio, a Post-Road.*

Feb. 17, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Ohio River at Cincinnati, in the State of Ohio, and at Covington, in the State of Kentucky, is hereby declared to be, when completed, in accordance with the laws of the States of Ohio and Kentucky, a lawful structure and post-road for the conveyance of the mails of the United States.

The bridge across the Ohio River at Cincinnati made a post-road.

APPROVED, February 17, 1865.

CHAP. XLI. — *An Act authorizing the President to appoint a Second Assistant Secretary of War.*

Feb. 20, 1865.

1864, ch. 2. *Ante*, p. 1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, for the term of one year from the passage of this act, an officer in the War Department, to be called the Second Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be prescribed by the Secretary of War, or as may be required by law.

Second assistant secretary of war authorized.

Salary and duties.

APPROVED, February 20, 1865.

CHAP. XLII. — *An Act to enlarge the Port of Entry and Delivery for the District of Philadelphia.*

Feb. 20, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of entry and delivery for the district of Philadelphia shall be bounded on the river Delaware by Frankford Creek, on the north, and Broad Street, on the south.

Boundary of the port of entry &c., of Philadelphia.

SEC. 2. *And be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act be, and the same are hereby, repealed.

Repealing clause.

APPROVED, February 20, 1865.

Feb. 20, 1865.
1861, ch. 80. Vol. xii. p. 208.

CHAP. XLIII. — *An Act to repeal an Act entitled "An Act to remove the United States Arsenal from the City of Saint Louis, and to provide for the Sale of the Lands on which the same is located."*

Repeal of act requiring the removal of the arsenal from St. Louis, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to remove the United States arsenal from the city of Saint Louis, and to provide for the sale of the lands on which the same is located," approved March second, eighteen hundred and sixty-one, be, and the same is hereby, repealed.

APPROVED, February 20, 1865.

Feb. 23, 1865.

CHAP. XLV. — *An Act to extinguish the Indian Title to Lands in the Territory of Utah suitable for agricultural and mineral Purposes.*

Indian titles in Utah Territory to be extinguished by treaty.

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, by and with the advice and consent of the Senate, to enter into treaties with the various tribes of Indians of Utah Territory, upon such terms as may be deemed just to said Indians and beneficial to the government of the United States: *Provided*,

Proviso.

That such treaties shall provide for the absolute surrender to the United States, by said Indians, of their possessory right to all the agricultural and mineral lands in said territory except such agricultural lands as by said treaties may be set apart for reservations for said Indians: *And provided, further*,

Reservations.

That all such reservations shall be selected at points as remote as may be practicable from the present settlements in Utah Territory.

Agricultural implements, stock, &c., to be given in payment as far as possible.

SEC. 2. *And be it further enacted*, That in agreeing with said Indians upon the amounts to be paid to them under the provisions of the treaties to be negotiated in pursuance of this act, care shall be taken to obtain from the Indians, to the greatest possible extent, their consent to receive for such payments agricultural implements, stock, and other useful articles, rather than money.

Appropriation.

SEC. 3. *And be it further enacted*, That for the purpose of negotiating said treaties and carrying out the provisions of this act, making presents to said Indians, and defraying the necessary expenses incident to such negotiation, there is hereby appropriated, out of any money in the treasury of the United States not otherwise appropriated, the sum of twenty-five thousand dollars.

APPROVED, February 23, 1865.

Feb. 23, 1865.

CHAP. XLVI. — *An Act to provide for the Payment of the Value of certain Lands and Improvements of private Citizens, appropriated by the United States for Indian Reservations, in the Territory of Washington.*

Appropriation to pay for lands, &c., taken for Indian reservations in Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighteen thousand six hundred and eleven dollars and sixty-two cents, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying for the lands and improvements of private citizens, taken and appropriated, by order of the Department of the Interior, for Indian reservations and uses in the Territory of Washington; and the claims herein provided to be paid shall be allowed and paid in such manner and upon such proofs of the value of the property as shall be prescribed by the Secretary of the Interior.

Claims, how allowed, &c.

APPROVED, February 23, 1865.

Feb. 23, 1865.

CHAP. XLVII. — *An Act to facilitate the Collection of certain Debts due the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where debts

When warrant of attachment may issue against property of debtors to Post-Office Department.

are due from postmasters, mail-contractors, or other officers, agents, or employees of the Post-Office Department, who are in default or delinquency, a warrant of attachment may issue against all property, real and personal, possessions, and rights legal, equitable, and contingent, belonging to such officer and his sureties, or either of them, in the following cases:

Those in rebellion. 1862, ch. 195. Vol. xii. p. 589. Vol. xii. p. 1266.

First. When any such officer, agent, or employee, and his sureties, or either of them, has, within the meaning of the act of July seventeen, eighteen hundred and sixty-two, chapter one hundred and ninety-five, and the proclamation of the President in pursuance thereof, dated the twenty-fifth day of July, eighteen hundred and sixty-two, participated in, aided, abetted, or countenanced any rebellion against the United States.

Non-residents, &c.

Second. When such officer, agent, or employee, and his sureties, or either of them, is a non-resident of the district where such officer was appointed, or has departed from such district for the purpose of residing permanently out of such district, or of defrauding the United States, or of avoiding the service of civil process.

Conveyance, &c., of property with intent to defraud.

Third. When such officer or his sureties, or either of them, has conveyed away or is about to convey away his property, or any part thereof, or has removed or is about to remove his property, or any part thereof, from the district wherein the same is situated, with intent to defraud the United States. And where such removal has taken place, certified copies of the warrant may be sent to the marshal of any other district into which such property may have been removed, under which certified copies it shall be lawful for such marshal to seize such property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. Alias warrants may issue upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

Removal of property.

Alias warrants.

Application for warrant, how made.

SEC. 2. *And be it further enacted*, That application for such warrant may be made by any district attorney or assistant district attorney, or any other person authorized by the Postmaster-General, before any judge, or, in his absence, before any clerk of any court of the United States having original jurisdiction of the cause of action. Such application shall be made upon an affidavit of the applicant, or some other credible person, stating the existence of either of the grounds of attachment enumerated in the first section of this act, and upon production of legal evidence of the debt. Upon such application, and upon due order of any judge of the court, or in the absence of any judge without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the party or parties specified in the affidavit, which warrant shall be executed with all possible despatch by the marshal, who shall take the property attached, if personal, into his custody, and hold the same subject to all interlocutory or final orders of the court.

Issuing and execution of warrant.

Ownership of property attached, how determined.

SEC. 3. *And be it further enacted*, That the party or parties whose property is attached may, at any time within twenty days before the return day of the warrant, on giving to the district attorney notice of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached in the defendants, or either of them, in which case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea. But the parties may, by consent, waive a trial by jury, in which case the court shall decide the issues raised by the affidavit and plea. Any party claiming ownership of the property attached and a specific return of the same shall be confined to the remedy afforded by this act, but his right to an action of trespass or other action for damages shall not be impaired hereby.

Trial by jury or by the court.

Other remedies not impaired.

Proceeds of sale of attached property to be invested, &c.

SEC. 4. *And be it further enacted*, That when the property attached shall be sold on any interlocutory order of the court, or when it shall be producing any revenue, the money arising from such sale or revenue shall

Accretions.

be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the order of the court.

Publication of attachment to be made.

Sec. 5. *And be it further enacted*, That immediately upon the execution of the warrant of attachment the marshal shall cause due publication of such attachment to be made, in the case of absconding debtors or adherents of the rebellion, for two months, and in case of non-residents for four months. Such publication shall be made in some newspaper or newspapers within the district where the property attached is situated, and the details of such publication shall be regulated in each case by the order under which the warrant is issued.

After publication, persons indebted to, or having property of defendants, with knowledge, to account therefor.

Sec. 6. *And be it further enacted*, That after the first publication of such notice of attachment in all the newspapers required by this or any subsequent act, every person indebted to the defendants, or either of them, and having knowledge of such notice, whose property is liable to attachment, and every person having possession of any property belonging to such defendants, or either of them, and having knowledge as aforesaid, shall account and answer for the amount of such debt and for the value of such property, and any disposal or attempt to dispose of any such property to the injury of the United States shall be illegal and void. When the person or persons so indebted to or having possession of the property of such defendants, or either of them, shall be known to the district attorney or the marshal, it shall be the duty of such officer to see that personal notice of such attachment is served upon such persons, as in cases of garnishees; but the want of such notice shall not invalidate the attachment.

Sales, &c., void.

Personal notice.

Discharge of warrant of attachment.

Bond to be given.

Sec. 7. *And be it further enacted*, That upon application of the party whose property has been attached, the court or any judge thereof may discharge the warrant of attachment as to the property of the applicant: *Provided*, That such applicant shall enter into and execute to the United States a good and sufficient penal bond in double the amount of the value of the property attached, conditioned for the return of said property, or to answer any judgment which may be rendered by the court in the premises, which bond shall be approved by the court or any judge thereof.

Fees, costs, and expenses.

Sec. 8. *And be it further enacted*, That the fees, costs, and expenses of issuing and serving the warrants of attachment authorized by this act shall be regulated as far as possible by the existing laws of the United States and the rules of court made in pursuance thereof. In the case of preliminary trials as to the validity of the attachment or the right of property, clerks' and marshals' fees shall be the same as in ordinary cases, and the docket fee of the district attorney shall be ten dollars.

This act not to interfere, &c.

Sec. 9. *And be it further enacted*, That this act shall not be construed so as to limit or abridge in any manner such rights of the United States as have accrued or been allowed in any district under the former practice of the United States courts or the adoption of state laws by said courts.

Approved, February 23, 1865.

Feb. 23, 1865.

1820, ch. 104. Vol. iii. p. 587.

1864, ch. 81. *Ante*, p. 68.

Chap. XLVIII. — *An Act to amend an Act entitled "An Act to amend an Act to incorporate the Inhabitants of the City of Washington, passed May fifteen, eighteen hundred and twenty," approved May fifth, eighteen hundred and sixty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, approved May fifth, eighteen hundred and sixty-four, entitled "An act to amend 'An act to incorporate the inhabitants of the city of Washington,' passed May fifteen, eighteen hundred and twenty," be construed amended so as to read as follows: That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements, and to cause the curb-stones to be set, the foot and carriage ways, or so much thereof as they may deem best, to be graded and paved; to introduce the necessary sewerage and drainage

Taxes for local improvements, &c.

Paving.

Sewerage.

facilities under and upon the whole or any portion of any avenue, street, or alley; to cause the same to be suitably paved and repaired, and at all times properly cleaned and watered; to cause lamps to be erected therein, and to light the same and to pay the cost thereof, the corporation of Washington is hereby authorized to lay and collect a tax upon all property bordering upon each street or alley that may be paved, sewered, lighted, cleaned, or watered by said corporation in accordance with the provisions of this act. And also to lay, or cause to be laid, simultaneously with the grading or paving of any avenue, street, or alley in which a main water-pipe or main gas-pipe, or main sewer may have been laid, water or gas service pipes or lateral house drains, from such water or gas main or main sewer to one foot within the curb line in front of every lot or subdivisional part of a lot which may bound on such avenue, street, or alley, and to which a gas or water service pipe or house drain may not have been already laid, and to pay the cost thereof, shall have full power and authority to lay and collect a special tax on every such lot or subdivisional part of a lot.

Street lamps.

Tax.

Water and gas pipes and lateral house drains.

Tax.

APPROVED, February 23, 1865.

CHAP. XLIX. — *An Act to incorporate the Sisters of Mercy in the District of Columbia.*

Feb. 23, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Isabel Atkinson, Elizabeth Medcalf, Teresa Byrne, Ellen Matthews, Mary Duffy, Teresa Moran, and Ellen Wynne, and their successors, hereafter to become Sisters of Mercy, and to be appointed according to the rules and regulations that have been or may hereafter be established by their association, be, and they are hereby, made, declared, and constituted a corporation or body politic, in law and in fact, to have continuance forever, by the name, style, and title of the "Sisters of Mercy in the District of Columbia."

"Sisters of Mercy" in the District of Columbia incorporated.

SEC. 2. *And be it further enacted*, That all and singular the lands, houses, tenements, rents, legacies, annuities, rights, property, privileges, goods, and chattels, heretofore given, granted, devised or bequeathed to the said Sisters of Mercy, in the District of Columbia, or to any individual of the said corporation, or to any person or persons for the use of said corporation, or that have been purchased for or on account of the same be, and they are hereby, vested in, and confirmed to, the said corporation; and that the said corporation may purchase, take, receive, hold, and apply to the uses and purposes of the same, according to the rules, regulations, and by-laws that they may establish from time to time, for the management of the concerns of the said society or corporation, any lands, tenements, rents, legacies, annuities, rights, property, and privileges, or any goods, chattels, or other effects of what kind or nature soever, which shall or may have been or may hereafter be given, granted, sold, bequeathed or devised unto the said association or corporation by any person or persons, bodies politic or corporate, capable of making such grants, sale, or bequest, and that the said association or corporation of the Sisters of Mercy, in the District of Columbia, may dispose of and convey the same as they may deem proper: *Provided*, That the said association or corporation shall not, at any one time, hold, use, possess, and enjoy, within the District of Columbia, either by legal seizure, or trust, for its use and benefit, more than three hundred and twenty acres of land, nor shall the said association or corporation hold, in its own right, or by any other person in trust, or for its benefit, real estate the annual net income of which, after discharging all its expenses, debts, and liabilities, shall exceed the sum of fifty thousand dollars.

Property heretofore given to become vested in the corporation

Corporation may hold, &c., property.

Limit to land and property.

SEC. 3. *And be it further enacted*, That the said corporation, by the name of the Sisters of Mercy, in the District of Columbia, be, and shall be hereafter, capable in law and in equity to sue and be sued, within the

Suits.

Suits.

District of Columbia and elsewhere, in as effectual a manner as other persons or corporations can sue or be sued, and that the said corporation, or a majority of the persons composing the same, shall adopt and use a common seal, and the same to use, alter, or change at pleasure, and from time to time make such by-laws, not inconsistent with the Constitution of the United States or any law of congress, as they may deem expedient and proper for carrying into effect the objects of the said association or corporation, including the care, control, and education of children; the care, protection, instruction, and employment of destitute females; the care, nursing, and alleviation of the sufferings of sick or wounded persons, and such other objects of literature and charity as may be determined upon by their by-laws, as aforesaid, and which their means and net income may enable them to effect and support.

Seal.

By-laws.

Objects of association.

Persons named herein as corporators, and others, when to have no control, &c.

Sec. 4. *And be it further enacted*, That if, at any time hereafter, any of the persons hereinbefore named, or any of their successors, as Sisters of Mercy, in the District of Columbia, shall cease to belong to the said association or corporation, according to the said by-laws, such persons shall thereafter have no part or control in the proceedings of the said association or corporation under or in pursuance of the provisions of this act.

Officers, agents, &c.

Sec. 5. *And be it further enacted*, That the said association or corporation shall have power to appoint such officers, agents, and persons as may be necessary, and to construct or purchase such buildings or to create such establishments as may be required to effect and carry out the humane and charitable objects of its institution, in accordance with its by-laws and regulations, as aforesaid, under this act.

Sec. 6. *And be it further enacted*, That the schools and all other institutions of instruction, education, or employment, established by the Sisters of Mercy in the District of Columbia, shall at all times be subject to the visitation and inspection of the justices of the supreme court of the District of Columbia, or any one of them, or the committees on the District of Columbia in either house of congress, or any other committee of congress that either house may appoint, and the books, records, and proceedings of said Sisters of Mercy shall at all times be subject to the examination and inspection of said justices or any such committee.

Visitation and inspection.

Act may be amended, &c.

Sec. 7. *And be it further enacted*, That this act may, at any time hereafter, be amended, altered, or repealed, in whole or in part, according to the pleasure of congress.

Approved, February 23, 1865.

Feb. 23, 1865.

1857, ch. 46. Vol. xi. p. 161.

Chap L. — *An Act to amend an Act entitled "An Act to incorporate the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind," approved February sixteen, eighteen hundred and fifty-seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of said act as requires the teaching of the blind in said institution be, and the same is hereby, repealed, and the corporate name and style thereof shall hereafter be "The Columbia Institution for the instruction of the Deaf and Dumb."

Teaching the blind not required.

Change of corporate name.

Indigent blind, where to be educated.

Sec. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to cause all indigent blind children who are now, or may hereafter become entitled, under the law as it now exists, to instruction in said institution, to be instructed in some institution for the education of the blind, in Maryland, or some other state, at a cost not greater for each pupil than is, or may be for the time being, paid by such state, and to cause the same to be paid out of the treasury of the United States.

When act to take effect.

Sec. 3. *And be it further enacted*, That this act shall take effect from and after the thirtieth day of June, eighteen hundred and sixty-five.

Approved, February 23, 1865.

CHAP. LII. — *An Act to prevent Officers of the Army and Navy, and other Persons engaged in the military and naval Service of the United States, from interfering in Elections in the States.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any state of the United States of America, unless it shall be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. And that it shall not be lawful for any officer of the army or navy of the United States to prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any state of the United States of America, or in any manner to interfere with the freedom of any election in any state, or with the exercise of the free right of suffrage in any state of the United States. Any officer of the army or navy of the United States, or other person engaged in the civil, military, or naval service of the United States, who violates this section of this act, shall, for every such offence, be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding five thousand dollars, and suffer imprisonment in the penitentiary not less than three months, nor more than five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust, under the government of the United States: *Provided*, That nothing herein contained shall be so construed as to prevent any officers, soldiers, sailors, or marines, from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the state in which he shall offer to vote.

Interference in elections by certain officers prohibited.

Qualifications of voters not to be prescribed

Penalty for violation of this act.

Suffrages of officers, &c., not interfered with

SEC. 2. *And be it further enacted*, That any officer or person in the military or naval service of the United States, who shall order or advise, or who shall directly or indirectly, by force, threat, menace, intimidation, or otherwise, prevent or attempt to prevent any qualified voter of any state of the United States of America from freely exercising the right of suffrage at any general or special election in any state of the United States, or who shall in like manner compel, or attempt to compel, any officer of an election in any such state to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such election different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offence be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine of not exceeding five thousand dollars, and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same, and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust, under the government of the United States.

Interfering with elections, how punished.

APPROVED, February 25, 1865.

CHAP. LIII. — *An Act to increase the Efficiency of the Medical Corps of the Army.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical director of an army in the field consisting of two or more army corps, and the medical director of a military department in which there are United States general hospitals containing four thousand beds or upwards, shall have the rank, pay, and emoluments of a colonel of cavalry; and the medical di-

Rank and pay of certain medical directors.

rector of an army corps in the field, or of a department in which there are United States general hospitals containing less than four thousand beds, shall have the rank, pay, and emoluments of a lieutenant-colonel of cavalry. But this increased rank and pay shall only continue to medical officers while discharging such special duties; and the assignments from time to time to such duty shall be at least two thirds of them made from among the surgeons and assistant surgeons of volunteers.

Increase, how long to continue.

Assignments to duty.

APPROVED, February 25, 1865.

Feb. 25, 1865.

CHAP. LIV. — *An Act to create the Eastern Judicial District of the State of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Kings, Queens, Suffolk, and Richmond, in the State of New York, with the waters thereof, are hereby constituted a separate judicial district of the United States, to be styled the eastern district of New York. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for said district who shall reside therein, and who shall possess the same powers and perform the same duties within said district which are now possessed and performed by the district judge of the southern district of New York. The said judge shall also receive the same compensation as is by law provided for the judge of said southern district. District and circuit courts for the trial of causes shall be held in the city of Brooklyn on the first Wednesday of every month. The courts so to be held shall have the same jurisdiction as is now or may hereafter be vested in other district and circuit courts of the United States. Such officers shall be appointed for said district and court, and in the same manner and with the same fees and emoluments as prescribed by law for other districts and courts of the United States.

Eastern judicial district in New York created.

Judge.

Jurisdiction and pay.

Terms of district and circuit courts.

Other officers of court.

SEC. 2. *And be it further enacted*, That the district court for the said eastern district shall have concurrent jurisdiction with the district court for the southern district of New York over the waters within the counties of New York, Kings, Queens, and Suffolk, in the State of New York, and over all seizures and matters made or done in such waters; and all writs or other process or orders issued out of either of said courts, or by any judge thereof, shall run and be executed in any part of said waters.

Concurrent jurisdiction of this court.

Process.

SEC. 3. *And be it further enacted*, That, in case of the inability on account of sickness of the judge of the district court of the United States for the southern district of New York, to hold any court therein, it shall be the duty of the judge of the said eastern district of New York to hold such court and do and perform all the acts and duties of the judge of said southern district without any additional compensation; and whenever, from pressure of public business or other cause, it shall be deemed desirable by the judge of said southern district of New York, that the judge of said eastern district perform the duties of a judge in said southern district, an order may be entered to that effect in the records of said district court, and thereupon the judge of said eastern district shall be empowered to do and perform, without additional compensation, within said southern district of New York, and in the district court thereof, all the acts and duties of the district judge thereof.

Judge to hold court in southern district, when, &c.

APPROVED, February 25, 1865.

Feb. 25, 1865.

1863, ch. 52. Vol. xii. p. 658.

CHAP. LV. — *An Act supplemental to an Act entitled "An Act to annex a Part of the State of New Jersey to the Collection District of New York, and to appoint an Assistant Collector to reside at Jersey City," approved February twenty-one, eighteen hundred and sixty-three.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the assistant collector

appointed under the act entitled "An act to annex a part of the State of New Jersey to the collection district of New York, and to appoint an assistant collector to reside at Jersey City," approved February twenty-one, eighteen hundred and sixty-three, be, and he hereby is, authorized to enrol and license, according to the laws of the United States, all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey; and all such enrolments and licenses shall be as valid and effectual as if the same had been effected in any other port of the United States; and the said assistant collector, in the enrolment and licensing of vessels, shall be subject to the laws of the United States, and liable to all the penalties and responsibilities imposed upon collectors in like cases.

Enrolment and license of certain vessels owned in Hudson and Bergen Counties, New Jersey.

APPROVED, February 25, 1865.

CHAP. LVI. — *An Act to authorize the Corporation of Georgetown to levy certain Taxes.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporation of Georgetown be, and they are hereby, authorized and empowered to levy and collect, in the same manner in which other taxes are levied and collected in said town, an annual tax, not to exceed in any year fifteen-hundredths of one per centum of the assessed value of the taxable property in said town, to be applied to the payment of the interest and the extinction of the principal of the debt recently contracted by said corporation in filling its quota under the several drafts for troops made during the present war.

Corporation of Georgetown may levy certain taxes.

SEC. 2. *And be it further enacted*, That the said corporation are hereby further authorized and empowered to levy and collect, in manner aforesaid, a sum sufficient to pay the said town's proportion of the direct tax imposed on the District of Columbia by the act of congress approved August fifth, eighteen hundred and sixty-one, and the cost and expenses of collecting the same.

Direct tax of 1861. 1861, ch. 45, § 8. Vol. xii. p. 296.

APPROVED, February 25, 1865.

CHAP. LVII. — *An Act authorizing and requiring the Opening of Sixth Street West.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corporate authorities of the city of Washington be, and they are hereby, authorized and required to open Sixth Street west, from the canal to Maine Avenue, under the direction of the commissioner of public buildings, in accordance with the plan approved in May, eighteen hundred and twenty-two, by James Monroe, then President of the United States: *Provided, however*, That Sixth Street through the public grounds known as Armory Square shall not be opened until after the removal of the army hospital from such public ground, or until the consent of the surgeon-general of the United States army shall be first had and obtained.

Sixth Street west in Washington, D. C., to be opened.

APPROVED, February 25, 1865.

CHAP. LVIII. — *An Act in Reference to Prosecutions for Libel in the District of Columbia.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all prosecutions or indictments for libel instituted, or which may hereafter be instituted, in the District of Columbia, the truth thereof may be given in evidence under the general issue as a justification of the alleged libel; and if it appear that the matter charged as libel[l]ous was true, and was written or published with good motives and for justifiable ends, the defendant shall be acquitted.

In libel suits, &c., in the District of Columbia, the truth may be given in evidence.

APPROVED, February 25, 1865.

Feb. 25, 1865.

CHAP. LIX. — *An Act for changing the Time for holding the Circuit Courts in the District of Virginia.*

Terms of circuit courts in the district of Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit courts in the district of Virginia, heretofore holden at Richmond, shall be held at Norfolk, on the first Monday in May and on the fourth Monday of November in each year; and all proceedings and process in or issuing out of the said court which are or may be made returnable to any other times or places appointed for holding the same than those above specified, shall be deemed legally returnable on the days and at the place above specified, and not otherwise; and all suits and other proceedings in said court which stand continued to any other time or place than those above specified, shall be deemed continued to the place and time prescribed by this act, and no other.

APPROVED, February 25, 1865.

Feb. 27, 1865.

CHAP. LXIV. — *An Act providing for a District and a Circuit Court of the United States for the District of Nevada, and for other Purposes.*

State of Nevada to constitute a judicial district.

Judge, attorney, and marshal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Nevada shall hereafter constitute one judicial district, and be called the district of Nevada; and for said district a district judge, a marshal, and a district attorney of the United States shall be appointed.

To be part of tenth circuit.

Terms of circuit and district courts.

SEC. 2. *And be it further enacted*, That the said district of Nevada shall be attached to and constitute a part of the tenth circuit; and a term of the circuit court of the United States for the said district shall be held in the city of Carson, in the State of Nevada, on the first Monday of March, and on the first Monday of August, and on the first Monday of December of each year; and a term of the district court of the United States for the said district shall be held at the said city of Carson on the first Monday of February, and on the first Monday of May, and on the first Monday of October of each year.

Jurisdiction of district court;

SEC. 3. *And be it further enacted*, That the district court of the United States for the district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction possessed by the other district courts and district judges of the United States, and shall be governed by the same laws and regulations.

of circuit court.

SEC. 4. *And be it further enacted*, That the circuit court of the United States for the said district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction in said district which are vested in said court and said judge in the other districts of the tenth circuit.

Pay of district judge;

SEC. 5. *And be it further enacted*, That the district judge appointed for the district of Nevada shall receive as his compensation the sum of thirty-five hundred dollars a year, payable in four equal instalments, on the first days of January, April, July, and October, of each year.

of district attorney and marshal.

SEC. 6. *And be it further enacted*, That the marshal and district attorney of the United States for said district of Nevada, and also for the district of Oregon, shall severally be entitled to charge and receive for the services they may perform double the fees and compensation allowed by the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-six, eighteen hundred and fifty-three: *Provided*, That the aggregate compensation allowed said officers shall not exceed the amount provided for such officers by said act.

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

Proviso.

Special sessions of circuit courts in Nevada.

SEC. 7. *And be it further enacted*, That the third, fourth, and fifth sections of the act of February nineteenth, eighteen hundred and sixty-four, entitled "An act amendatory of, and supplementary to, an act to provide circuit courts for the districts of California and Oregon, and for other pur-

1864, ch. 11. *Ante*, p. 4.

poses," approved March third, eighteen hundred and sixty-three, shall be applicable to the appointment of special sessions of the circuit courts in the district of Nevada, and to the appointment of clerks and deputy clerks of the circuit courts of the districts of Nevada and Oregon; and that the clerk of the circuit court in the districts of Nevada, Oregon, and California shall be also clerk of the district court in said districts, and shall receive for like services the same fees and compensation which are allowed by law to the clerks of the circuit and district courts of the United States for California: *Provided*, That the clerk in each of said districts shall be allowed by the Secretary of the Interior to retain of the fees and emoluments received by him as clerk of both courts, over and above the necessary expenses of his offices and necessary clerk-hire included, to be audited and allowed by the proper accounting officers of the treasury, only such sum per annum as is now allowed by law to the clerk of one of said courts, and shall pay the remainder into the public treasury, under oath, in the manner and under the regulations now prescribed by law.

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

Clerks and deputies.

Proviso. Limit to fees retained, &c.

SEC. 8. *And be it further enacted*, That all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States, upon any record from the supreme court of the Territory of Nevada, may be heard and determined by the supreme court of the United States, and the mandate of execution or of further proceedings shall be directed by the supreme court of the United States to the district court of the United States for the district of Nevada, or to the supreme court of the State of Nevada, as the nature of said appeal or writ of error may require, and each of these courts shall be the successor of the supreme court of Nevada Territory as to all such cases, with full power to hear and determine the same, and to award mesne or final process thereon. And from all judgments and decrees of the supreme court of the Territory of Nevada, prior to its admission into the Union as a state, the parties to said judgments and decrees shall have the same right to prosecute appeals and writs of error to the federal courts as they would have had under the laws of the United States if this act had been passed simultaneously with the act admitting said state into the Union: *Provided*, That said appeals shall be prosecuted and said writs of errors sued out at any time before the first day of July, eighteen hundred and sixty-six.

Appeals and writs of error pending in the supreme court of the United States.

Proviso.

SEC. 9. *And be it further enacted*, That no possessory action between individuals in any of the courts of the United States for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are, is in the United States, but each case shall be adjudged by the law of possession.

Possessory actions for the recovery of mining titles.

APPROVED, February 27, 1865.

CHAP. LXVII. — *An Act to revive certain Provisions of the Act entitled "An Act further to provide for the Collection of Duties on Imports and Tonnage," approved March three, eighteen hundred and fifteen, and for other Purposes.*

Feb. 28, 1865.

1815, ch. 94. Vol. iii. p. 231.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the second section of the act entitled "An act further to provide for the collection of duties on imports and tonnage," approved March three, eighteen hundred and fifteen, to wit: "That it shall be lawful for any collector, naval officer, surveyor or inspector of the customs, as well in any adjoining district as that to which he belongs, to stop, search, and examine any carriage or vehicle of any kind whatsoever, and to stop any person travelling on foot or beast of burden on which he shall suspect there are goods, wares, or merchandise which are subject to duty, or which shall have been introduced into the United States in any manner contrary to law; and if such officer shall stop any goods, wares, or merchandise on any such carriage, vehicle, person travelling on foot or beast of burden, which he shall have

Beasts of burden, carriages, &c., carrying smuggled goods, how may be seized and confiscated.

probable cause to believe are subject to duty or have been unlawfully introduced into the United States, he shall seize and secure the same for trial," be, and the same is hereby, revived and reënacted; and every such beast of burden, carriage, or vehicle, together with the teams or other motive power, and all the appurtenances used in conveying such goods, wares, or merchandise, shall be subject to seizure and forfeiture in like manner as is by law now provided in regard to such goods, wares, and merchandise; and all fines, penalties, and forfeitures recovered under this act, or in consequence of such seizures, shall be disposed of as is provided in other cases by the ninety-first section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March second, seventeen hundred and ninety-nine; and the last proviso of said ninety-first section is hereby repealed.

1799, ch. 22, § 91. Vol. i. p. 697.

Repeal.

Certain authority of collectors, &c., extended to inspectors of customs. Vol. i. p. 677.

Persons interested in penalty may be witnesses.

Sec. 2. *And be it further enacted*, That the power and authority given to collectors, naval officers, and surveyors by the sixty-eighth section of the said last-mentioned act be, and the same are hereby, extended to inspectors of the customs; and any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under this or any other law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his or her share or interest in such fine, penalty, or forfeiture.

Search of buildings near boundary line of the United States.

Sec. 3. *And be it further enacted*, That in case any store, warehouse, or other building shall be upon or near the boundary line between the United States and any foreign country, and there is reason to believe that dutiable goods are deposited or have been placed therein or carried through or into the same without payment of duties, and in violation of law, and the collector, deputy collector, naval officer, or surveyor of customs, shall make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offence has been therein committed, such officer shall have the right to search such building and the premises belonging thereto; and if any such goods shall be found therein, the same, together with such building, shall be seized, forfeited, and disposed of according to law, and the said building shall be forthwith taken down or removed. And any person or persons who shall have received or deposited in such building, or carried through the same, any goods, as aforesaid, or shall have aided therein, in violation of law, shall, upon due conviction before any court of competent jurisdiction, be punished by fine not exceeding ten thousand dollars, or by imprisonment not exceeding two years, or by both such fine and imprisonment.

Forfeiture.

Penalty for such smuggling.

Penalty for, increased. 1844, ch. 8, § 1. Vol. v. p. 653.

Sec. 4. *And be it further enacted*, That the first section of the act of April second, eighteen hundred and forty-four, entitled "An act directing the disposition of certain unclaimed goods, wares, or merchandise, seized for being illegally imported into the United States," be so amended that in place of the word "one," wherever the same may be found in said section, the word "five" shall be inserted.

Approved, February 28, 1865.

Feb. 28, 1865.

Chap. LXVIII. — *An Act making Appropriations for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defence, for the Year ending the thirtieth of June, eighteen hundred and sixty-six.*

Appropriations for fortifications, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, eighteen hundred and sixty-six:

For Fort Wayne, near Detroit, Michigan, seventy-five thousand dollars. Fort Wayne.

For repairs of Fort Niagara, near Youngstown, New York, twenty-five thousand dollars. Fort Niagara.

For Fort Ontario, Oswego, New York, fifty thousand dollars. Fort Ontario.

For Fort Montgomery, at outlet of Lake Champlain, New York, fifty thousand dollars. Fort Montgomery.

For Fort Knox, at narrows of Penobscot River, Maine, seventy-five thousand dollars. Fort Knox.

For Fort Popham, Kennebec River, Maine, seventy-five thousand dollars. Fort Popham.

For Fort Preble, Portland, Maine, seventy-five thousand dollars. Fort Preble..

For Fort Scammel, Portland, Maine, fifty thousand dollars. Fort Scammel.

For Fort Georges, on Hog Island Ledge, Portland, Maine, seventy-five thousand dollars. Fort Georges.

For Fort Constitution, Portsmouth, New Hampshire, twenty-five thousand dollars. Fort Constitution.

For Fort McClary, Portsmouth, New Hampshire, fifty thousand dollars. Fort McClary.

For Fort Winthrop, Boston, Massachusetts, ten thousand dollars. Fort Winthrop.

For Fort Independence, Boston, Massachusetts, five thousand dollars. Fort Independence.

For Fort Warren, Boston, Massachusetts, ten thousand dollars. Fort Warren.

For sea-wall of Great Brewster's Island, Boston harbor, Massachusetts, twenty thousand dollars. Great Brewster.

For repair of sea-walls on Deer and on Lovell's Islands, Boston harbor, Massachusetts, three thousand dollars. Deer and Lovell's Islands.

For permanent forts at New Bedford harbor, Massachusetts, fifty thousand dollars. Forts at New Bedford harbor.

For Fort Adams, Newport, Rhode Island, fifty thousand dollars. Fort Adams.

For Fort Hale, New Haven, Connecticut, fifty thousand dollars. Fort Hale.

For Fort Schuyler, East River, New York, twenty-five thousand dollars. Fort Schuyler.

For fort at Willet's Point, opposite Fort Schuyler, New York, fifty thousand dollars. Fort at Willet's Point.

For repairs of Fort Hamilton, New York, twenty-five thousand dollars. Fort Hamilton.

For fort on site of Fort Tompkins, Staten Island, New York, fifty thousand dollars. Fort Tompkins.

For fort at Sandy Hook, New Jersey, fifty thousand dollars. Fort at Sandy Hook.

For repairs of Fort Mifflin, near Philadelphia, twenty thousand dollars. Fort Mifflin.

For repairs of Fort Washington, on Potomac River, twenty-five thousand dollars. Fort Washington.

For Fort Monroe, Hampton Roads, Virginia, twenty-five thousand dollars. Fort Monroe.

For Fort Clinch, Florida, fifty thousand dollars. Fort Clinch.

For Fort Taylor, Key West, Florida, two hundred thousand dollars. Fort Taylor.

For Fort Jefferson, Garden Key, Florida, one hundred thousand dollars. Fort Jefferson.

For fort on Ship Island, coast of Mississippi, fifty thousand dollars. Fort on Ship Island.

For fort at Fort Point, San Francisco Bay, California, one hundred and fifty thousand dollars. Fort at Fort Point.

For fort at Alcatraz Island, San Francisco Bay, California, one hundred and fifty thousand dollars. Fort at Alcatraz Island.

For additional defences at San Francisco, California, fifty thousand dollars. Defences of San Francisco.

For defences of Washington, three hundred thousand dollars. Defences of Washington.

For field works and field operations, one million dollars. Field works, &c.

For bridge trains and equipage for armies in the field, three hundred thousand dollars. Bridge trains, &c.

For tool and siege trains for armies in the field, five hundred thousand dollars. Tool and siege trains.

Surveys for military defences.

For surveys for military defences, for purchase of campaign maps, three hundred thousand dollars.

Survey of lakes.

For survey of northern and northwestern lakes, including Lake Superior, one hundred and twenty-five thousand dollars.

Engraving and printing lake surveys.

For engraving and printing charts of lake surveys, fifteen thousand dollars.

Instruments.

For purchase and repair of instruments, twenty thousand dollars.

Fort Porter.

For repairing, equipping, and enlarging Fort Porter, at Buffalo, fifty thousand dollars.

Approved, February 28, 1865.

Feb. 28, 1865.

Chap. LXIX. — *An Act relating to the Enrolment and License of certain Vessels.*

Enrolment and license of vessels in western rivers, &c., where may be made.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall become necessary for the owner or owners of any vessel of the United States navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel shall belong, to procure her enrolment and license, or license, or renewal thereof, the same proceedings may be had in the district in which said vessel then shall be, as are now, or shall then be required by law, on application for such enrolment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel may belong, excepting the giving of bond and the enrolment and issuance of license; and the officer before whom such proceedings shall be had shall certify the same to the collector of the district to which such vessel shall belong, who shall thereupon, on the said owner or owners giving bond as required in other cases, duly enrol the said vessel and issue license in the same form as if the application had originally been made in his office; and either deliver the said license to said owner or owners, or forward it by mail to the officer who certified to him the preliminary proceedings, and who shall, in such case, deliver the said license to the owner or owners or master of the vessel: *Provided*, That this act shall not be construed so as in any respect to change existing laws, excepting in so far as it enable such owners to procure enrolment or license, or renewal thereof, without returning their vessels to their home ports or districts.

Bond, &c.

Proceedings.

Proviso.

Approved, February 28, 1865.

Feb. 28, 1865.

1864, ch. 83. *Ante*, p. 69.

Chap. LXX. — *An Act to amend an Act entitled "An Act to regulate the Admeasurement of Tonnage of Ships and Vessels of the United States," approved May sixth, eighteen hundred and sixty-four.*

Cabins, &c., above deck not to be measured for tonnage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May sixth, eighteen hundred and sixty-four, shall be so construed that no part of any ship or vessel shall be admeasured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

Approved, February 28, 1865.

Feb. 28, 1865.

Chap. LXXI. — *An Act concerning the Collection District of Salem and Beverly, in Massachusetts.*

Naval officer at Salem and Beverly, Mass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the office of naval officer for the district of Salem and Beverly, in the State of Massachusetts, be, and the same is hereby, abolished.

Surveyor, residence.

Sec. 2. *And be it further enacted*, That the office of surveyor for said district, to reside at Beverly, be, and the same is hereby, abolished.

SEC. 3. *And be it further enacted*, That the salary of surveyor of said district shall hereafter be four hundred dollars per annum. Salary.

APPROVED, February 28, 1865.

CHAP. LXXII. — *An Act granting to the Michigan City Harbor Company the Use of Government Piers in said Harbor for the purpose of protecting said Harbor.* Feb. 28, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Michigan City Harbor Company, at Michigan City, in the State of Indiana, the privilege of using the foundations of the old government piers now in said harbor, for the purpose of improving and protecting the said harbor, and no expenses made by the said harbor company for this purpose shall be considered a charge against the government. Use of certain piers granted to Michigan City Harbor Company.

SEC. 2. *And be it further enacted*, That Michigan City, in the State of Indiana, is hereby constituted a port of delivery, subject to the same regulations and restrictions as other ports of delivery of the United States, and the said port of delivery is hereby annexed to, and made part of, the collection district of Chicago, in the State of Illinois. And there shall be appointed a surveyor of the customs, to reside at said port, who shall receive an annual compensation of three hundred and fifty dollars per annum. Michigan City made a port of delivery and annexed to Chicago district. Surveyor.

APPROVED, February 28, 1865.

CHAP. LXXIII. — *An Act making Appropriations for the legislative, executive, and judicial Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-six, and additional Appropriations for the current fiscal Year.* March 2, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six, namely: Legislative, executive, and judicial appropriation.

Legislative. — For compensation and mileage of senators, two hundred and forty-seven thousand four hundred and thirty dollars. Legislative. Pay and mileage of senators, officers, clerks, &c.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz: secretary of the Senate, three thousand six hundred dollars; officer charged with disbursements of the Senate, four hundred and eighty dollars; chief clerk, two thousand five hundred dollars; principal clerk and principal executive clerk in the office of the secretary of the Senate, at two thousand one hundred and sixty dollars each; eight clerks in office of the secretary of the Senate, at one thousand eight hundred and fifty dollars each; keeper of the stationery, one thousand seven hundred and fifty-two dollars; two messengers, at one thousand and eighty dollars each; one page, at five hundred dollars; sergeant-at-arms and doorkeeper, two thousand dollars; assistant doorkeeper, one thousand seven hundred dollars; postmaster to the Senate, one thousand seven hundred and fifty dollars; assistant postmaster and mail-carrier, one thousand four hundred and forty dollars; two mail-boys, at one thousand dollars each; superintendent of the document room, one thousand five hundred dollars; two assistants in document room, at one thousand two hundred dollars each; superintendent of the folding-room, one thousand five hundred dollars; two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each; seventeen messengers, at one thousand two hundred dollars each; clerk or secretary to the president of the Senate, one thousand seven hundred and fifty-two dollars; clerk to the committee on finance, one thousand eight hundred and fifty dollars; clerk to the committee on claims, one thousand eight hundred and fifty dollars; clerk of printing records, one thousand eight hundred and fifty dollars; superintendent in charge of the furnaces, one

Senate.

thousand two hundred dollars; assistant in charge of furnaces, seven hundred and twenty dollars; laborer in charge of private passages, seven hundred and twenty dollars; two laborers, at five hundred and seventy-six dollars each; chaplain to the Senate, seven hundred and fifty dollars; making seventy-nine thousand six hundred and forty-six dollars.

Contingent expenses.

For contingent expenses of the Senate, viz:

Stationery.

For stationery, seventeen thousand dollars.

Newspapers.

For newspapers, three thousand dollars.

Congressional Globe.

For Congressional Globe, thirty-five thousand dollars.

For reporting proceedings in the Daily Globe for the first session of the thirty-ninth congress, twenty thousand dollars.

Globe and Appendix.

For paying the publishers of the Congressional Globe and Appendix, according to the number of copies taken, one cent for every five pages exceeding three thousand, including the indexes and the laws of the United States, twelve thousand nine hundred dollars.

Sets to new senators.

For one complete set of the Congressional Globe and Appendix for each senator in the thirty-ninth congress who has not already received them, six thousand eight hundred dollars: *Provided, however*, That any senator who has already as a member of the House of Representatives received a portion of a set of the Congressional Globe, shall only be entitled to receive as such senator the additional volumes required to complete one full set.

Additional compensation to reporters.

For the usual additional compensation to the reporters of the Senate for the Congressional Globe for reporting the proceedings of the Senate for the first regular session of the thirty-ninth congress, eight hundred dollars each, four thousand dollars.

Clerks to committees, &c.

For clerks to committees, pages, horses, and carryalls, eighteen thousand dollars.

Capitol police.

For capitol police, nineteen thousand one hundred and seventy dollars.

Heating and ventilating.

For expenses of heating and ventilating apparatus, sixteen thousand dollars.

Miscellaneous.

For miscellaneous items, thirty thousand dollars.

Pay and mileage of representatives, &c.;

For compensation and mileage of members of the House of Representatives and delegates from territories, three hundred thousand dollars.

officers, clerks, &c.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz: clerk of the House of Representatives, three thousand six hundred dollars; chief clerk and one assistant clerk, at two thousand one hundred and sixty dollars each; eleven clerks, at one thousand eight hundred dollars each; principal messenger in the office, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; three messengers, at one thousand two hundred dollars each; messenger to the speaker, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; clerk to the committee of ways and means, two thousand one hundred and sixty dollars; clerk to the committee of claims, one thousand eight hundred dollars; clerk to committee on public lands, one thousand eight hundred dollars; sergeant-at-arms, two thousand one hundred and sixty dollars; clerk to the sergeant-at-arms, one thousand eight hundred dollars; messenger to the sergeant-at-arms, one thousand two hundred dollars; postmaster, two thousand one hundred and sixty dollars; assistant postmaster, one thousand seven hundred and forty dollars; four messengers, at one thousand four hundred and forty dollars each; two mail-boys, at nine hundred dollars each; capitol police, nineteen thousand one hundred and seventy dollars; doorkeeper, two thousand one hundred and sixty dollars; superintendent of the folding-room, one thousand eight hundred dollars; two messengers, at one thousand seven hundred and fifty-two dollars each; one messenger, at one thousand seven

hundred and forty dollars; five messengers, at one thousand five hundred dollars each; six messengers, at one thousand two hundred dollars each; twelve messengers, to be employed during the session of congress, at the rate of one thousand two hundred dollars each per annum; chaplain to the House of Representatives, seven hundred and fifty dollars; making one hundred and nine thousand four hundred and twenty-eight dollars.

Contingent expenses of House.

For contingent expenses of the House of Representatives, viz:

Cartage.

For cartage, two thousand dollars.

Congressional Globe and Appendix.

For twenty-four copies of the Congressional Globe and Appendix for each member and delegate of the first regular session of the thirty-ninth congress, and one hundred copies of the same for the House library, twenty-nine thousand four hundred dollars.

Clerks to committees, &c., and temporary clerks.

For the compensation of clerks to committees, and temporary clerks in the office of the clerk of the House of Representatives, eighteen thousand five hundred and seventy-six dollars.

Globe and Appendix.

For paying the publishers of the Congressional Globe and Appendix, according to the number of copies taken, one cent for every five pages exceeding three thousand, including the indexes and the laws of the United States, ten thousand nine hundred dollars.

Sets to new members.

For one complete set of the Congressional Globe and Appendix for each representative and delegate in the first session of the thirty-ninth congress, who has not already received the same, twenty-three thousand dollars.

Folding.

For folding documents, including materials, thirty thousand dollars.

Fuel, lights, &c.

For fuel and lights, pay of engineers, firemen, and laborers, repairs, and materials, fifteen thousand dollars.

Furniture, &c.

For furniture, repairs, and packing-boxes for members, ten thousand dollars.

Horses, carriages, &c.

For horses, carriages, and saddle-horses, nine thousand dollars.

Laborers.

For laborers, eight thousand four hundred dollars.

Miscellaneous.

For miscellaneous items, thirty thousand dollars.

Newspapers.

For newspapers, one thousand dollars.

Pages, &c.

For pages and temporary mail-boys, ten thousand and eighty dollars.

Reporting, &c., in Daily Globe.

For reporting and publishing proceedings in the Daily Globe, at seven dollars and fifty cents per column, twenty thousand dollars.

Stationery.

For stationery, twelve thousand dollars.

Additional pay to reporters.

For the usual additional compensation to the reporters of the House for the Congressional Globe, for reporting the proceedings of the House for the first regular session of the thirty-ninth congress, eight hundred dollars each, four thousand eight hundred dollars.

Tiling of floor of old House.

For completing the tiling of the floor of the old hall of representatives, under the same authority that the work has already been done, three thousand eight hundred and seventy-five dollars.

Public printing.

Public Printing. — For compensation of the superintendent of the public printing, and the clerks and messenger in his office, nine thousand seven hundred and fourteen dollars.

Pay of superintendent, &c.

Contingencies.

For contingent expenses of his office, viz: For stationery, postage, advertising, furniture, travelling expenses, horses and wagons, and miscellaneous items, two thousand dollars.

Additions to printing-office.

For addition to the public printing-office and the necessary presses, machinery, and fixtures, sixty-one thousand dollars; so much thereof to be expended under the direction of the Secretary of the Interior as may be necessary for the erection of said addition.

Public printing.

For the public printing, three hundred and thirty-nine thousand four hundred and sixty-five dollars and fifty cents.

Paper for printing.

For paper for the public printing, six hundred and twenty-nine thousand and forty dollars.

Binding.

For the public binding, three hundred and seventy-three thousand seven hundred and ten dollars and twenty-four cents.

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

Lithographing and engraving. For lithographing and engraving for the Senate and House of Representatives, seventy-five thousand dollars.

Library of congress. *Library of Congress.* — For compensation of librarian, three assistant librarians, messenger, and laborers, ten thousand eight hundred dollars.

For contingent expenses of said library, two thousand dollars.

Books. For purchase of books for said library, eight thousand dollars.

Law books. For purchase of law books for said library, two thousand dollars.

Enlargement of library building. For an enlargement of the library of congress, so as to include in two wings, built fire-proof, the space at either end of the present library, measuring about eighty feet in length by thirty feet in width, in accordance with a plan to be approved by the committee on the library, one hundred and sixty thousand dollars, to be expended under the direction of the Secretary of the Interior.

Court of claims. *Court of Claims.* — For salaries of five judges of the court of claims, the solicitor, assistant solicitor, deputy solicitor, clerk and assistant clerk, bailiff, and messenger thereof, thirty-six thousand three hundred dollars.

For stationery, books, fuel, lights, laborers' hire, and other contingent and miscellaneous expenses, three thousand dollars.

Attorneys. For compensation of attorneys to attend to taking testimony, witnesses, and commissioners, one thousand dollars.

Executive. *Executive.* — For compensation of the President of the United States, twenty-five thousand dollars.

President and Vice-President. For compensation of the Vice-President of the United States, eight thousand dollars.

Secretary, &c. For compensation of secretary to sign patents for public lands, one thousand five hundred dollars.

For compensation to the private secretary, steward, and messenger of the President of the United States, four thousand six hundred dollars.

Contingent expenses. For contingent expenses of the executive office, including stationery therefor, two thousand dollars.

State Department. *Department of State.* — For compensation of the Secretary of State and assistant secretary of state, chief clerk, superintendent of statistics, clerks, messenger, assistant messenger, and laborers in his office, fifty-eight thousand eight hundred and eighty dollars.

Pay of secretary, &c.

Contingent expenses. *For the incidental and contingent Expenses of the Department of State.*

Pamphlet laws, &c. For publishing the laws in pamphlet form and in newspapers of the states and territories, and in the city of Washington, seventeen thousand one hundred and twenty-five dollars.

Proof-reading, &c. For proof-reading and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, three thousand five hundred dollars.

Stationery, &c. For stationery, blank books, binding, furniture, fixtures, and repairs, five thousand dollars.

For miscellaneous items, two thousand five hundred dollars.

Copper-plate printing, &c. For copper-plate printing, books, and maps, five thousand dollars.

Extra clerk-hire. For extra clerk-hire and copying, ten thousand dollars.

Northeast executive building. For compensation of four watchmen and two laborers of the northeast executive building, four thousand three hundred and twenty dollars.

For contingent expenses of said building, viz: for fuel, light, repairs, and miscellaneous expenses, five thousand five hundred dollars.

Capitalization of Scheldt dues. For the payment of the first annual instalment of the proportion contributed by the United States toward the capitalization of the Scheldt dues, — to fulfil the stipulations contained in the fourth article of the convention between the United States and Belgium, of the twentieth of May, eighteen hundred and sixty-three, the sum of fifty-five thousand five hundred and eighty-four dollars, in coin, and such further sum as may be necessary to carry out the stipulation of the convention providing for the

Post: Treaties, p. 649.

payment of interest on the said sum and on the portion of the principal remaining unpaid.

Treasury Department.

Treasury Department. — For compensation of the Secretary of the Treasury, two assistant secretaries of the treasury, chief clerk, supervising architect and assistant architect, clerks, messengers, assistant messenger, and laborers, one hundred and eighteen thousand nine hundred and twenty dollars.

Pay of secretary and assistants.

For compensation of the first comptroller, chief clerk, and the clerks, messenger, and laborers in his office, forty-three thousand seven hundred and forty dollars.

1st comptroller.

For compensation of the second comptroller, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, including three clerks of class four, three clerks of class three, three clerks of class two, three clerks of class one, twelve clerks at an annual salary of seven hundred and twenty dollars each, and one laborer at an annual salary of seven hundred and twenty dollars, who are hereby authorized to be appointed, one hundred and thirty-four thousand nine hundred and twenty dollars.

2d comptroller.

Additional clerks authorized

For compensation of the first auditor, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, forty-eight thousand three hundred and sixty dollars.

1st auditor.

For compensation of the second auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, including three clerks of class four, twenty clerks of class three, forty clerks of class two, seventy of class one, one assistant messenger at eight hundred and forty dollars per annum, and three laborers at seven hundred and twenty dollars per annum, each, who are hereby authorized to be appointed, five hundred and eighteen thousand seven hundred and twenty dollars.

2d auditor.

Additional clerks and laborers authorized.

For compensation of the third auditor, chief clerk, and the clerks, messengers, assistant messengers, and laborers in his office, including five clerks of class four, fifteen clerks of class three, thirty clerks of class two, and fifty clerks of class one, who are hereby authorized to be appointed, three hundred and eighty-four thousand two hundred and eighty dollars.

3d auditor.

Additional clerks, &c., authorized.

For compensation of the fourth auditor, chief clerk, and the clerks, messenger, and assistant messenger, and laborer in his office, one hundred and ten thousand nine hundred and sixty dollars.

4th auditor.

For compensation of the fifth auditor, chief clerk, and the clerks, messenger, and laborer in his office, forty-eight thousand eight hundred and forty dollars.

5th auditor.

For compensation of the auditor of the treasury for the Post-Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and ninety-three thousand one hundred and sixty dollars.

Auditor for P.-O. Department.

For compensation of the treasurer of the United States, assistant treasurer, cashier, assistant cashier, chiefs of division, bookkeepers, tellers, assistant tellers, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, one hundred and sixty-nine thousand three hundred and eighty dollars.

Treasurer.

For compensation of the register of the treasury, assistant register, chief clerk, and the clerks, messengers, assistant messenger, and laborers in his office, ninety-one thousand five hundred and twenty dollars.

Register.

For compensation of the solicitor of the treasury, chief clerk, and the clerks and messenger in his office, eighteen thousand five hundred dollars.

Solicitor.

For compensation of the commissioner of customs, chief clerk, and the clerks, messenger, and laborer in his office, forty thousand nine hundred and twenty dollars.

Commissioner of customs.

For compensation of the chief clerk, clerks, messenger, and laborer of the light-house board, nine thousand five hundred and twenty dollars.

Light-house board.

For compensation of the comptroller of the currency, deputy comp-

Comptroller of the currency.

troller, clerks, messenger, and laborer, sixty-four thousand nine hundred and forty dollars.

Contingent expenses of Treasury Department; in office of the secretary.

Contingent Expenses of the Treasury Department. —

In the office of the Secretary of the Treasury:

For copying, labor, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk-hire for preparing and collecting information to be laid before congress, and for miscellaneous items, fifty thousand dollars.

Pay of temporary clerks.

For compensation to temporary clerks in the Treasury Department, and for additional compensation to clerks in same department: *Provided*, That the temporary clerks herein provided for may be classified according to the character of their services; *And provided further*, That the Secretary of the Treasury may award such additional compensation to clerks as in his judgment may be deemed just and may be required by the public service, two hundred and fifty thousand dollars; but the said secretary shall not have the authority to award any such additional compensation to such clerks after the first day of July, eighteen hundred and sixty-six.

Clerks may be classified, &c.

Additional pay prior to July 1, 1866.

Contingent expenses in office of 1st comptroller;

In the office of the first comptroller:

For furniture, public documents, state and territorial statutes, postage, and miscellaneous items, one thousand dollars.

of 2d comptroller;

In the office of the second comptroller:

For furniture and miscellaneous items, including subscription to one city newspaper, to be bound and preserved for the use of the office, four thousand dollars.

of 1st auditor;

In the office of the first auditor:

For office furniture and miscellaneous items, one thousand five hundred dollars.

of 2d auditor;

In the office of the second auditor:

For office furniture and miscellaneous items, including two of the city newspapers, to be filed and preserved for the use of the office, twenty-five thousand dollars.

of 3d auditor;

In the office of the third auditor:

For office furniture, carpeting, two newspapers, preserving files and papers, bounty-land service, and miscellaneous items, fifteen thousand dollars.

of 4th auditor;

In the office of the fourth auditor:

For contingent expenses of the office, three thousand dollars.

of 5th auditor;

In the office of the fifth auditor:

For postage, furniture, and miscellaneous expenses, in which are included two daily newspapers, two thousand dollars.

of treasurer;

In the office of the treasurer:

For contingent expenses of the office, ten thousand dollars.

of register;

In the office of the register:

For arranging and binding cancelled marine papers, cases for official papers and records, and miscellaneous items, including office furniture, eight thousand dollars.

of solicitor;

Office of the solicitor of the treasury:

For labor and miscellaneous items, and for statutes and reports, two thousand two hundred dollars.

of commissioner of customs;

Office of the commissioner of customs:

For miscellaneous items and office furniture, three thousand dollars.

of comptroller of currency.

Office of the comptroller of the currency:

For furniture and miscellaneous items, five thousand dollars.

Furniture. Stationery.

For stationery for the Treasury Department and its several bureaus, one hundred thousand dollars.

Southeast executive building.

For the general purposes of the Southeast Executive Building, including the extension. — For compensation of twelve watchmen and eleven laborers of the southeast executive building, sixteen thousand five hundred and sixty dollars.

For contingent expenses of said building, viz: for fuel, light, labor, and miscellaneous items, seventy-five thousand dollars.

Department of Interior.

Department of the Interior. — For compensation of the Secretary of the Interior, assistant secretary, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers in his office, forty-eight thousand one hundred and sixty dollars.

Pay of secretary, &c.;

For compensation of the commissioner of the general land-office, chief clerk, recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, one hundred and seventy-eight thousand two hundred dollars.

of commissioner of general land-office;

For compensation of additional clerks in the general land-office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty land, and for laborers employed therein, fifty-eight thousand six hundred and forty dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum.

of additional clerks; 1855, ch. 207. Vol. x. p. 701. Proviso.

For compensation of the commissioner of Indian affairs, chief clerk, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office, thirty-two thousand six hundred dollars.

of commissioner of Indian affairs;

For compensation of the commissioner of pensions, chief clerk, and the clerks, messengers assistant messengers, watchman, and laborers in his office, two hundred and sixteen thousand nine hundred and twenty dollars.

of commissioner of pensions;

For additional clerks in the pension office, twenty-one thousand dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum.

additional clerks; Proviso.

For compensation of the commissioner of public buildings, and the clerk and messenger in his office, four thousand two hundred dollars.

of commissioner of public buildings.

Contingent Expenses — Department of the Interior. —

Contingent expenses.

Office of the Secretary of the Interior:

For stationery, furniture, and other contingencies, and for books and maps for the library, seven thousand dollars.

Office of Secretary.

For repairs of the patent-office building, twelve thousand five hundred dollars.

Patent office.

For expenses of packing and distributing congressional journals and documents, in pursuance of the provisions contained in the joint resolution of congress, approved twenty-eighth January, eighteen hundred and fifty-seven, and act fifth February, eighteen hundred and fifty-nine, six thousand dollars.

Distributing documents. Vol. xi. p. 253. 1859, ch. 22. Vol. xi. p. 379.

For fuel and lights for the patent-office building, including the salaries of engineer and assistant engineer of the furnaces, eighteen thousand dollars.

Fuel and lights.

Office of Indian Affairs:

For blank books, binding, stationery, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, four thousand dollars.

Office of Indian affairs;

Office of the Commissioner of Pensions:

For stationery, engraving, and retouching plates for bounty land warrants, and binding the same, office furniture, and repairing the same, and miscellaneous items, including two city daily newspapers, to be filed, bound, and preserved for the use of the office, fifteen thousand dollars.

of commissioner of pensions;

Office of the Commissioner of Public Buildings:

For stationery, blank books, plans, drawings, and other contingent expenses of his office, five hundred dollars.

of commissioner of public buildings.

Surveyors-General and their Clerks. — For compensation of the sur-

Surveyors-general and their clerks.

veyor-general of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Minnesota, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor-general of the Territories of Dakota and Montana, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor-general of Kansas and Nebraska, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor-general of the Territories of Colorado, Utah and Idaho, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of New Mexico and Arizona, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of California and Nevada, and the clerks in his office, fourteen thousand dollars.

For compensation of the surveyor-general of Oregon, and the clerks in his office, six thousand five hundred dollars.

For compensation of the surveyor-general of Washington Territory, and the clerks in his office, six thousand five hundred dollars.

For compensation of the clerks in the offices of the surveyors-general, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveys, for the purpose of preserving them at the seat of government, ten thousand dollars.

Recorder of land-titles in Missouri.

For compensation of recorder of land-titles in Missouri, five hundred dollars.

Translator.

For compensation of translator in the office of surveyor-general of New Mexico and Arizona, two thousand dollars.

For rent of surveyor-general's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, seven hundred dollars.

For rent of the surveyor-general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messenger, six thousand dollars.

For office-rent for the surveyor-general of Washington Territory, fuel, books, stationery, and other incidental expenses, one thousand dollars.

For office-rent of the surveyor-general of Kansas and Nebraska, fuel, and incidental expenses, one thousand five hundred dollars.

For rent of surveyor-general's office in the Territory of Dakota, fuel, books, stationery, and other incidental expenses, six hundred dollars.

For rent of office for the surveyor-general of Colorado, Utah, Nevada, and Idaho Territories, fuel, books, stationery, and other incidental expenses, one thousand dollars.

For the pay of the wages of one clerk in the consolidated land-office at Des Moines, Iowa, one thousand dollars.

Expenses of courts of the United States, safe-keeping of prisoners, and prosecution of crime.

[*Expenses of Courts of the United States.*]—For defraying the expenses of the supreme court and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, in aid of funds arising from fines, penalties, and forfeitures, in the fiscal year ending June thirtieth, eighteen hundred and sixty-five, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, seven hundred thousand dollars, and the unexpended balances of appropriations for the judiciary fund shall return into the treasury.

War Department.

Pay of secretary, &c.

War Department. — For compensation of the Secretary of War, assistant secretaries of war, solicitor, chief clerk, and the clerks, messenger, assistant messengers, and laborer in his office, sixty-four thousand and sixty dollars.

For compensation of the clerks and messengers in the office of the adjutant-general, two hundred and twenty-four thousand four hundred dollars. Office of adjutant-general;

For compensation of the clerks, messengers, assistant messengers, and laborers in the office of the quartermaster-general, three hundred and ninety-five thousand eight hundred and forty dollars. of quartermaster-general;

For compensation of the clerks and messengers in the office of the paymaster-general, two hundred and nine thousand six hundred and eighty dollars. of paymaster-general;

For compensation of the clerks, messenger, and laborers in the office of the commissary-general, eighty-six thousand one hundred and sixty dollars. of commissary-general;

For compensation of the clerks, messenger, and laborer in the office of the surgeon-general, forty-four thousand one hundred and twenty dollars. of surgeon-general;

For compensation of the clerks, messengers, and laborer in the office of the chief engineer, twenty-nine thousand three hundred and twenty dollars. of chief engineer;

For compensation of the clerks and messenger in the office of the colonel of ordnance, one hundred and seventy-three thousand two hundred and eighty dollars. of colonel of ordnance;

For compensation of the clerks in the office of military justice, seven thousand two hundred dollars. of military justice.

Contingent Expenses of the War Department. — Contingent expenses.

Office of the Secretary of War:

For blank books, stationery, labor, books, maps, extra clerk-hire, and miscellaneous items, twenty thousand dollars. Office of Secretary of War;

Office of the Adjutant-General:

For blank books, stationery, binding, and miscellaneous items, twenty-five thousand dollars. of adjutant-general;

Office of the Quartermaster-General:

For blank books, stationery, binding, and miscellaneous items, twenty thousand dollars. of quartermaster-general;

Office of the Paymaster-General:

For blank books, stationery, binding, and miscellaneous items, ten thousand dollars. of paymaster-general;

Office of the Commissary-General:

For blank books, stationery, and binding, including rent of office and hire of watchmen, twenty thousand dollars. of commissary-general;

Office of the Chief Engineer:

For blank books, stationery, binding, and miscellaneous items, three thousand five hundred dollars. of chief engineer;

Office of the Surgeon-General:

For blank books, stationery, binding, and miscellaneous items, including rent of office, twelve thousand five hundred dollars. of surgeon-general;

Office of the Chief of Ordnance:

For blank books, stationery, binding, and miscellaneous items, ten thousand dollars. of chief of ordnance;

Office of Military Justice:

For blank books, stationery, binding, and miscellaneous items, one thousand five hundred dollars. of military justice.

For the general purposes of the Northwest Executive Building. — For compensation of superintendent, four watchmen, and two laborers of the northwest executive building, four thousand five hundred and seventy dollars. Northwest executive building.

For labor, fuel, light, and miscellaneous items, twenty thousand dollars. Labor, fuel, &c

For the general purposes of the Building corner of F and Seventeenth Streets. — For compensation of superintendent, four watchmen, and two laborers for said building, four thousand five hundred and seventy dollars. Building corner F and Seventeenth Streets.

For fuel, compensation of firemen, and miscellaneous items, six thousand dollars.

Building corner F and Fifteenth Streets.

For the general purposes of the Building corner of F and Fifteenth Streets. — For superintendent, watchmen, rent, fuel, lights, and miscellaneous items, fifteen thousand dollars.

Navy Department.

Navy Department. — For compensation of the Secretary of the Navy, assistant secretary of the navy, chief clerk, and the clerks, messenger, assistant messenger, and laborers in his office, including four clerks of class four, and one laborer, at an annual salary of seven hundred and twenty dollars per annum, which are hereby authorized to be appointed, fifty-five thousand eight hundred dollars.

Pay of secretary, &c.

Additional clerks, &c., authorized.

Bureau of yards and docks;

For compensation of the chief of the bureau of navy-yards and docks, and the civil engineer, chief clerk, clerks, messenger, and laborers in his office, nineteen thousand six hundred and forty dollars.

of equipment and recruiting;

Additional clerks authorized.

For compensation of the chief of the bureau of equipment and recruiting, chief clerk, and the clerks, messenger, and laborer in his office, including one clerk of class three, and one clerk of class one, which are hereby authorized to be appointed, sixteen thousand four hundred and twenty dollars.

of navigation;

For compensation of the chief of the bureau of navigation, chief clerk, and the clerks, messenger, and laborer in his office, ten thousand one hundred and twenty dollars.

of ordnance;

For compensation of the chief of the bureau of ordnance, and the assistant, chief clerk, clerks, draughtsman, messenger, and laborers in his office, nineteen thousand one hundred and ninety-six dollars.

of construction and repair;

Additional clerk authorized.

For compensation of the chief of the bureau of construction and repair, chief clerk, and the clerks, draughtsman, messenger, and laborer in his office, including one additional temporary clerk of class two, which is hereby authorized to be appointed, eighteen thousand and twenty dollars.

of steam engineering;

For compensation of the chief of the bureau of steam engineering, chief clerk, and the clerks, draughtsmen, messenger, and laborer in his office, eleven thousand and twenty dollars.

of provisions and clothing;

For compensation of the chief of the bureau of provisions and clothing, chief clerk, and the clerks, messenger, and laborers, twenty-four thousand six hundred and twenty dollars.

of medicine and surgery.

For compensation of the chief of the bureau of medicine and surgery, assistant, and the clerks, messenger, and laborer in his office, ten thousand eight hundred and twenty dollars.

Contingent expenses.

Incidental and contingent Expenses of the Navy Department. —

Office of Secretary of Navy.

Office of the Secretary of the Navy:

For stationery, labor, newspapers, periodicals, and miscellaneous items, five thousand dollars.

Bureau of yards and docks;

Bureau of Yards and Docks:

For stationery, books, plans, drawings, and incidental labor, one thousand eight hundred dollars.

of equipment and recruiting;

Bureau of Equipment and Recruiting:

For stationery, books, and miscellaneous items, eight hundred dollars.

of navigation;

Bureau of Navigation:

For stationery, blank books, and miscellaneous items, eight hundred dollars.

of ordnance;

Bureau of Ordnance:

For stationery and miscellaneous items, two thousand dollars.

of construction and repair;

Bureau of Construction and Repair:

For stationery and miscellaneous items, one thousand dollars.

of steam engineering;

Bureau of Steam Engineering:

For stationery and miscellaneous items, two thousand five hundred dollars.

of provisions and clothing.

Bureau of Provisions and Clothing:

For stationery and miscellaneous items, one thousand five hundred dollars.

Bureau of Medicine and Surgery:

Bureau of medicine and surgery.

For blank books, stationery, and miscellaneous items, eight hundred dollars.

Southwest executive building.

For the general purposes of the Southwest Executive Building. — For compensation of five watchmen and two laborers of the southwest executive building, four thousand seven hundred and fifty-two dollars.

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items, six thousand five hundred dollars.

Post-Office Department.

Post-Office Department. — For compensation of the Postmaster-General, three assistant postmasters-general, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers of said department, one hundred and sixty thousand three hundred and sixty dollars.

For compensation of twenty-five additional clerks, twenty thousand dollars.

Contingent expenses of Post-Office Department.

Contingent Expenses of the Post-Office Department. — For blank books, binding, and stationery, fuel for the general post-office building, including the auditor's office, oil, gas, and candles, printing, repair of the general post-office building, office furniture, glazing, painting, whitewashing, and for keeping the fireplaces and furnaces in order; for engineer for steam-engine, laborers, watchmen, repairs of furniture, and for miscellaneous items, forty thousand dollars.

Money-order bureau.

Money-Order Bureau. — For compensation of superintendent and the clerks in his office, seven thousand five hundred dollars.

Department of agriculture.

Department of Agriculture. — For compensation of commissioner of agriculture, chief clerk, and the clerks and employees in his office, thirty-nine thousand six hundred dollars.

Contingencies.

For contingencies, viz: For stationery, purchase of library, laboratory, rent, and miscellaneous items, seven thousand five hundred dollars.

Agricultural statistics.

For collecting agricultural statistics, twenty thousand dollars.

Seeds

For purchase and distribution of new and valuable seeds, viz: For purchase of cereal, vegetable, and flower seeds, and for labor in putting up seeds, seed-bags, and miscellaneous items, sixty-one thousand dollars.

For employees in seed-room, five thousand two hundred dollars.

Plants, cuttings, &c.

For propagation and distribution of plants, cuttings, and shrubs, fourteen thousand dollars: *Provided*, That the propagation of plants, cuttings, and shrubs shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

Proviso.

Experimental garden.

For experimental garden in reservation number two, eight thousand dollars.

Mint at Philadelphia.

Mint at Philadelphia. — For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, and seven clerks, twenty-six thousand four hundred dollars.

For wages of workmen and adjusters, one hundred and twenty-five thousand dollars.

For incidental and contingent expenses, ten thousand dollars.

For specimens of ores and coins to be preserved in the cabinet of the mint, three hundred dollars.

Branch at San Francisco.

Branch Mint at San Francisco, California. — For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and six clerks, thirty thousand five hundred dollars.

For wages of workmen and adjusters, one hundred and seventy-five thousand dollars.

For incidental and contingent expenses, repairs, and wastage, fifty thousand dollars.

Assay office, New York.

Assay Office, New York. — For salaries of superintendent, assayer, and melter and refiner, assistant assayer, officers, and clerks, twenty-three thousand nine hundred dollars.

For wages of workmen, forty-eight thousand dollars.

For incidental and contingent expenses, twenty thousand dollars.

Branch mint at Denver.

Branch Mint at Denver. — For superintendent, assayer, melter, refiner, coiner, and clerks, thirteen thousand dollars.

For wages of workmen, twenty-one thousand seven hundred and fifty-five dollars.

For incidental and contingent expenses, five thousand dollars.

Governments in the territories.

GOVERNMENTS IN THE TERRITORIES.

New Mexico.

Territory of New Mexico. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of said territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Utah.

Territory of Utah. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the territory, two thousand five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, fifteen thousand dollars.

Washington.

Territory of Washington. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said territory, one thousand five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerk, and contingent expenses of the assembly, fifteen thousand dollars.

Nebraska.

Territory of Nebraska. — For salaries of governor, chief-justice and two associate judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, eighteen thousand dollars.

Colorado.

Territory of Colorado. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, eighteen thousand dollars.

Nevada.

State of Nevada. — For salary of superintendent of Indian affairs, two thousand dollars, or so much thereof as may be necessary.

Dakota.

Territory of Dakota. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associates judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, fifteen thousand dollars.

Arizona.

Territory of Arizona. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the legislative as

sembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars. Governments in the territories.

Territory of Idaho. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associates judges, and secretary, twelve thousand dollars. Idaho.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Territory of Montana. — For compensation of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, twelve thousand dollars. Montana.

For contingent expenses of the territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses, twenty thousand dollars.

JUDICIARY. Judiciary.

Office of the Attorney-General. — For salaries of the Attorney-General, assistant attorney-general, and the clerks and messenger in his office, twenty thousand four hundred dollars. Office of Attorney-General.

Contingent expenses of the office of the Attorney-General, namely:

For fuel, labor, furniture, stationery, and miscellaneous items, three thousand five hundred dollars.

For purchase of law and necessary books for the office of the Attorney-General, five hundred dollars.

For legal assistance and other necessary special and extraordinary expenses in the disposal of private land-claims in California, ten thousand dollars. Land-claims in California.

Justices of the Supreme Court of the United States. — For salaries of the chief-justice and nine associate justices, sixty thousand five hundred dollars. Justices of supreme court.

For travelling expenses of the judge assigned to the tenth circuit for attending session of the supreme court of the United States, two thousand dollars.

For salaries of the district judges of the United States, one hundred and eighteen thousand seven hundred and fifty dollars. District judges.

For salaries of the chief-justice of the supreme court of the District of Columbia, the associate judges, and judge of the orphans' court, fourteen thousand five hundred dollars. Courts in District of Columbia.

For salary of the reporter of the decisions of the supreme court of the United States, one thousand three hundred dollars. Reporter of decisions.

For compensation of the district attorneys, nineteen thousand one hundred dollars. District attorneys.

For compensation of the district marshals, twelve thousand dollars. Marshals.

Independent Treasury. — For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, sixteen thousand five hundred dollars. Independent treasury.

For additional salary of the treasurer of the mint at Philadelphia, one thousand dollars.

For additional salary of the treasurer of the branch mint at New Orleans, five hundred dollars.

For additional salary of the treasurer of the branch mint at Denver, five hundred dollars.

For salaries of the clerks and messengers in office of assistant treasurer at Boston, eight thousand one hundred dollars.

For salaries of additional clerks in the office of the assistant treasurer at Boston, which are hereby authorized, eleven thousand five hundred dollars. Additional clerks at Boston.

For salaries of clerks, messengers, and watchmen, in office of the

Independent treasury.

assistant treasurer at Philadelphia, eighteen thousand three hundred dollars.

For salaries of clerks, messengers, and watchmen, in office of assistant treasurer at New York, one hundred and five thousand three hundred and twenty dollars.

For salaries of clerks, messenger, and watchmen, in the office of the assistant treasurer at St. Louis, nine thousand seven hundred and sixty dollars.

Increase of salaries to clerks at St. Louis.

For additional salaries to the messenger at four hundred dollars per annum, and to the four watchmen at one hundred dollars per annum each, which increase is hereby authorized, in the office of the assistant treasurer at St. Louis, eight hundred dollars.

For salaries of clerks, porter, and watchmen, in the office of the assistant treasurer at New Orleans, nine thousand six hundred dollars.

For compensation of the depositary at Santa Fé, and the clerk, watchman, and porter in his office, four thousand eight hundred dollars.

For salary of the clerk to the acting assistant treasurer at Denver, one thousand eight hundred dollars.

1846, ch. 90. Vol. ix. p. 59. 1853, ch. 97, § 10. Vol. x. p. 212.

For salaries of additional clerks, and additional compensation of officers and clerks, under act of August sixth, eighteen hundred and forty-six, for the better organization of the treasury, and tenth section of act of March third, eighteen hundred and fifty-three, making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-four, at such further rates as the secretary may deem just and reasonable, fifty thousand dollars.

Designated depositaries.

For compensation to designated depositaries, under fourth section of act of August sixth, eighteen hundred and forty-six, for the collection, safe-keeping, transfer, and disbursement of the public revenue, eight thousand dollars.

Special agents.

For compensation to special agents under act of sixth of August, eighteen hundred and forty-six, eight thousand dollars.

Inspectors of steamboats. 1852, ch. 106. Vol. x. p. 61.

For salaries of nine supervising and fifty local inspectors, appointed under act thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with travelling and other expenses incurred by them, eighty thousand dollars.

For contingent expenses under the act of sixth August, eighteen hundred and forty-six, for the collection, safe-keeping, transfer, and disbursement of the public revenue, in addition to premium which may be received on transfer drafts: *Provided*, That no part of said sum shall be expended for clerical services, two hundred and fifty thousand dollars.

Expenses of treasury notes.

For necessary expenses in carrying into effect the several acts of congress authorizing loans and the issue of treasury notes, two million dollars

Accounts of Stuart Gwynn to be adjusted, &c.

Provided, That the proper accounting officers of the treasury be, and they are hereby, authorized and directed to examine and adjust the accounts of Stuart Gwynn for printing-presses, machinery, material, and labor furnished and supplied to the Treasury Department, and for expenditures under the authority of the secretary, and to report to him such sum as may be equitably due to said Gwynn: *Provided, further*, That for items furnished or supplied under contract, no greater sum than the contract price shall be allowed: *And provided, further*, That before any payment shall be made, the said Stuart Gwynn shall, in such form as may be prescribed by the Secretary of the Treasury, fully convey and secure to the United States the right to use the said presses, and any additional number thereof, with their machinery and future improvements in the treasury building, or any other buildings directed by the secretary for any and all printing the government may desire for its own use and purposes.

Contract price.

Gwynn to make certain conveyance to the United States before receiving payment.

Dies, stamps, and expenses under internal revenue act. 1864, ch. 173. *Ante*, p. 223.

For procuring dies, stamps, adhesive stamps, paper, printing forms and regulations, advertising, and other expenses of carrying into effect the internal revenue act of June thirtieth, eighteen hundred and sixty-four, one million one hundred thousand dollars.

For paper, special dies, and the printing of circulating notes, and expenses necessarily incurred (including express charges) in procuring the same, in the office of the comptroller of the currency, six hundred and seventy-seven thousand five hundred dollars. Paper, dies, and printing notes.

Commissioners of Direct Taxes in Insurrectionary Districts. — For compensation of thirty-three commissioners, at three thousand dollars each, and eleven clerks at twelve hundred dollars each, one hundred and twelve thousand two hundred dollars. Commissioners of direct taxes.

For contingent expenses, advertising, and surveying, forty thousand dollars.

For compensation to the laborer in charge of the water-closets in the capitol, five hundred and twenty-five dollars and sixty cents. Laborers.

For compensation of four laborers in capitol, two thousand eight hundred and eighty dollars.

For compensation to the public gardener, one thousand four hundred and forty dollars. Public gardener.

For compensation of a foreman and twenty-one laborers employed in the public grounds, sixteen thousand and eighty dollars.

For compensation of the keeper of the western gate, Capitol Square, one thousand dollars. Gate-keeper.

For compensation of two day watchmen employed in the Capitol Square, one thousand four hundred and forty dollars. Watchmen.

For compensation of the doorkeeper at the President's house, seven hundred and twenty dollars. Doorkeepers.

For compensation of assistant doorkeeper at the President's house, seven hundred and twenty dollars.

For compensation of one night watchman at the public stables and carpenters' shops south of the capitol, one thousand dollars. Watchmen.

For compensation of watchman in reservation number two, seven hundred and twenty dollars.

For compensation of eight draw-keepers at the Potomac Bridge, and for fuel, oil, and lamps, seven thousand five hundred and fifty-three dollars and sixty cents. Draw-keepers.

For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and for fuel, oil, and lamps, one thousand three hundred and ninety-six dollars.

For compensation of furnace-keeper under the old hall of the House of Representatives, seven hundred and twenty dollars. Furnace-keepers.

For compensation of furnace-keeper at the President's house, seven hundred and twenty dollars.

Metropolitan Police. — For salaries and other necessary expenses of the metropolitan police for the District of Columbia, one hundred and ten thousand dollars. Metropolitan police.

And the compensation of said metropolitan police force, officers, and clerks, is hereby increased fifty per centum, upon the amount hereby appropriated, commencing on the first day of July, eighteen hundred and sixty-five, said increase to be borne by the cities of Washington and Georgetown, and the county of Washington in the District of Columbia, in proportion to the number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington, and the levy court of said county are hereby authorized and empowered to levy a special tax not exceeding one quarter of one per centum for the purpose aforesaid. Increase of pay. How allotted. Special tax.

SEC. 2. *And be it further enacted*, That, to enable the Secretary of the Treasury to provide temporary accommodations for the State Department, and for the accommodation of such of the clerks of the Treasury Department as cannot be accommodated in the present building, the sum of twenty-five thousand dollars is hereby appropriated, and for the purpose of furnishing and fitting up suitable rooms for the office of the Attorney-General, if it shall be necessary for him to remove from the Treasury Temporary accommodations for State Department and clerks of the treasury.

Department, the sum of ten thousand dollars is hereby appropriated, or so much thereof as may be necessary.

Nevada included in surveying district of California.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, the public lands in the State of Nevada shall, for surveying purposes, be attached to and included in the surveying district of California.

Salaries of assistant secretaries, attorney-general, and postmasters-general.

Sec. 4. *And be it further enacted*, That from and after the commencement of the next fiscal year, the salary of each of the assistant secretaries of the executive departments, the assistant attorney-general, and the three assistant postmasters-general, shall be three thousand five hundred dollars per annum.

Pay of certain inspectors of customs.

1864, ch. 71. *Ante*, p. 61.

Sec. 5. *And be it further enacted*, That the provisions of the act approved April twenty-nine, eighteen hundred and sixty-four, "increasing the compensation of inspectors of customs in certain ports," be extended to July first, eighteen hundred and sixty-six.

No payment for constructive mileage.

Sec. 6. *And be it further enacted*, That no part of the money appropriated either by this act or former acts, shall be applied to the payment of any claim for constructive mileage on account of any extra session of either house of congress.

Condition to appropriations for Congressional Globe.

Sec. 7. *And be it further enacted*, That the appropriations hereinbefore made for the Congressional Globe shall be upon the condition that hereafter the proceedings of congress shall be published in the Daily Globe of the day subsequent to the day such proceedings were had, and delivered to both houses at their time of meeting — this to take effect at the next session of congress; but the publishers of the Congressional Globe shall not, however, be required to publish daily more than forty columns of the proceedings of the two houses of congress, and any speeches not actually delivered in either house shall be postponed until the same can be published without increasing the extent of the proceedings beyond forty columns.

Deficiencies for 1865.

Sec. 8. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, to supply deficiencies in the appropriations for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five, out of any money in the treasury not otherwise appropriated:

3d auditor's office.

For office furniture, carpeting, preserving files, and miscellaneous items in the office of the third auditor, five thousand dollars.

Stationery in Treasury Department.

For stationery for the Treasury Department and its several bureaus, twenty-five thousand dollars.

Fuel, &c.

For fuel, labor, light, and miscellaneous items for the treasury building, including the extension, twenty thousand dollars.

Disbursement, &c., of public revenue.

1846, ch. 90. Vol. ix. p. 59.

For contingent expenses under the act of August sixth, eighteen hundred and forty-six, for the collection, safe-keeping, transfer, and disbursement of the public revenue, provided that no part of said sum shall be expended for clerical services, fifty thousand dollars.

Clerks in office of surveyor-general of California.

For compensation to clerks in office of the surveyor-general in California for the year ending the thirtieth of June, eighteen hundred and sixty-three, one thousand three hundred and fifty dollars.

Public grounds.

For hire of carts on the public grounds, two hundred and thirty-two dollars.

Insane of the army and navy.

For the support, clothing, and medical treatment of the insane of the army and navy and the revenue-cutter service, and of the District of Columbia, at the hospital for the insane in said district, thirty thousand dollars.

Navy-yard bridge.

For repairs of the navy-yard bridge, to enable the commissioner of public buildings to erect a new draw, one thousand dollars.

Bureau of military justice.

For compensation of clerks in the bureau of military justice, viz: one of class four, one of class three, one of class two, and two of class one, seven thousand two hundred dollars.

Office of commissary-general.

For stationery, rent of office, hire of watchmen, and miscellaneous items in the office of the commissary-general, five thousand dollars.

For stationery and miscellaneous items in the office of the paymaster-general, six thousand dollars. Miscellaneous.

For stationery, blank books, and miscellaneous items in the office of the bureau of military justice, one thousand five hundred dollars.

For labor, fuel, lights, and miscellaneous items in the War Department, fifteen thousand dollars.

For fuel, compensation of firemen, and miscellaneous items for the building corner of F and Seventeenth Streets, six thousand dollars.

For reimbursing the appropriation for expenses of collecting the revenue from customs, the amount heretofore transferred from that fund to the appropriation for expenses of a national loan, under act of March third, eighteen hundred and nine, two million dollars. Collection of revenue.

For supplying a deficiency in the fund for the relief of sick and disabled seamen, one hundred and fifty thousand dollars. Sick, &c., seamen.

For refunding to the treasury extension the amount of payments made for furniture, sixteen thousand nine hundred and eleven dollars and fifty-three cents. Furniture.

For furniture, carpets, and miscellaneous items for the treasury building, fifteen thousand dollars.

For deficiency for pay of physician, blacksmith and assistant, farmer, and carpenter for each of the four reservations in California, nine thousand six hundred dollars. Reservations in California.

For armament of fortifications, nine hundred thousand dollars. Armament of fortifications.

For current expenses of the ordnance department, and for ordnance service, six hundred thousand dollars. Ordnance.

For national armory, six hundred thousand dollars. Armory.

For gunpowder and lead, four hundred thousand dollars. Gunpowder and lead.

For contingencies of fortifications, eight hundred thousand dollars.

For tool and siege trains, one hundred thousand dollars. Tool, &c., trains.

For Fort Taylor, Key West, Florida, one hundred and twenty-five thousand dollars. Fort Taylor.

For Fort Jefferson, Garden Key, Florida, seventy-five thousand dollars. Fort Jefferson.

For the medical and hospital department, three million two hundred and fifty-one thousand dollars. Hospital department.

For the quartermaster's department, viz: —

For purchase of cavalry and artillery horses, seven million six hundred thousand dollars. Cavalry, &c., horses.

For transportation of the army, nineteen million eight hundred and fifty-six thousand one hundred and thirty-seven dollars. Transportation.

For regular supplies, twenty million dollars.

For barracks and quarters, two million dollars. Barracks.

For incidental and contingent expenses, one million dollars.

For military telegraph, seven hundred and twenty-five thousand dollars. Telegraph.

For supplies and the expenses of providing for prisoners of war, two million dollars. Prisoners of war.

For clothing, camp and garrison equipage, thirty million dollars. Clothing and camp equipage.

For pay of the capitol police, three thousand eight hundred and eighty-five dollars and seventy-two cents. Capitol police

To supply deficiencies in the contingent expenses of the House of Representatives, viz: — Contingent expenses of House of Representatives.

For folding documents, twenty-five thousand dollars.

For fuel and lights, including pay of engineer, ten thousand dollars.

For miscellaneous items, twenty-four thousand four hundred and five dollars and fifty-two cents.

For stationery, six thousand dollars.

To supply a deficiency in the appropriation for the payment of salaries in the bureau of the comptroller of the currency, twelve thousand dollars. Comptroller of currency.

To supply deficiency in the appropriation for capitol police, to be added Capitol police.

to the contingent fund of the Senate, two thousand nine hundred and fourteen dollars and twenty-eight cents.

Public printing.

To supply a deficiency in the appropriation for the public printing, one hundred and eighty thousand dollars.

Paper.

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

Binding.

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

Reporters.

To supply a deficiency in the appropriation for compensation to the reporters of the Congressional Globe, eight hundred dollars.

Branch mint at Denver;

To supply a deficiency for compensation of clerks in the Denver branch mint, four hundred and fifty dollars.

at San Francisco.

To supply a deficiency in the appropriation for the branch mint at San Francisco, one hundred and thirty-four thousand eight hundred and eighty-nine dollars and sixty-eight cents.

Navy Department.

Navy Department. —

Bureau of navigation.

Bureau of Navigation:

For binnacles, binnacle lamps, and alidades; for bunting, muslin, and sewing materials; for ensigns, jacks, distinctive flags and marks, signal flags and foreign flags, and for making flags of all kinds; for logs, log-lines, log-reels, log-slates, log-paper, log-books, and sand glasses; for leads, lead-reels, lead-lines, armings for leads, and sounding cups, and for signal apparatus other than signal flags, one hundred and twenty-five thousand dollars.

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

Nautical instruments.

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

Equipment and recruiting.

Bureau of Equipment and Recruiting:

For fuel for the navy, and for the transportation and expenses thereof, five million three hundred and sixty-seven thousand four hundred dollars.

For equipment of vessels, five hundred thousand dollars.

Provisions and clothing.

Bureau of Provisions and Clothing:

For provisions, one million five hundred thousand dollars.

For clothing, seven hundred thousand dollars.

Gold medal to Cornelius Vanderbilt.

Ante, pp. 401, 402.

For a gold medal to Cornelius Vanderbilt, pursuant to a joint resolution approved January twenty-eight, eighteen hundred and sixty-four, three thousand dollars.

Contingent expenses of House of Representatives.

And the sum of forty-three thousand dollars is hereby appropriated to be added to the contingent fund of the House of Representatives for the purpose of paying such contingent expenses as may be directed by resolution of the House.

Approved, March 2, 1865.

March 2, 1865.

Chap. LXXIV. — *An Act making Appropriations for the Naval Service for the year ending June thirtieth, eighteen hundred and sixty-six.*

Navy appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty-six: —

Pay.

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the navy, twenty-three million three hundred

and twenty-seven thousand seven hundred and twenty-two dollars and fifty cents.

Repair, &c., of vessels.

For the completion and repair of vessels of the navy, twenty-four million five hundred and thirty thousand dollars.

Hemp.

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

Fuel.

For fuel for the navy, and for the transportation and expenses thereof, seven million six hundred and eighty thousand dollars.

Bounties.

For bounties to seamen, one million dollars.

Equipment.

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

For the purchase of various articles of equipment, viz: canvas, leather, iron, cables and anchors, oil, furniture, galleys, and stores, and for the payment of labor on articles manufactured in the navy-yard, and for outfit stores in the masters', boatswains', and sailmakers' department of vessels, five million eight hundred thousand dollars.

Provisions.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, twelve million nine hundred and twenty-three thousand two hundred and eighty dollars and seventy-five cents.

Construction, &c., of machinery.

For the construction, repair, wear and tear of machinery of vessels in commission, seventeen million one hundred and forty-five thousand dollars.

Surgeons' necessaries, &c.

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

Ordnance and stores.

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

Navigation apparatus.

For navigation apparatus and supplies, and for purposes incidental to navigation, four hundred thousand dollars.

Clothing.

For clothing for the navy, one million dollars.

Contingencies.

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

Bureau of yards and docks;

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

of navigation;

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

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

of construction and repair.

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

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

Bureau of steam engineering;

Bureau of Steam Engineering. — For contingent expenses, viz: — For transportation of materials, printing, stationery, experiments, advertising, books, drawings, models, postage, and incidental expenses, eighty-five thousand dollars.

of provisions and clothing;

Bureau of Provisions and Clothing. — For contingent expenses, viz: For candles, freight to foreign stations, transportation from station to station within the United States, cooperage, pay of assistants to inspectors, advertising for proposals, printing paymasters' blanks, and stationery for cruising vessels, six hundred thousand dollars.

of medicine and surgery.

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

Marine corps.

Marine Corps. — For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, steward and nurse, and servants; for rations and clothing for officers' servants; additional rations to officers for five years' service; for undrawn clothing and rations, and bounties for re-enlistments, one million and forty thousand eight hundred and sixty-five dollars and forty-five cents.

Provisions.

For provisions, one hundred and sixty-nine thousand nine hundred and seven dollars and fifty cents.

Clothing.

For clothing, three hundred and twenty-eight thousand five hundred and twelve dollars.

Fuel.

For fuel, thirty-two thousand six hundred and twenty-six dollars and seventy-five cents.

Stores.

For military stores, viz: pay of mechanics, repair of arms, purchase of accoutrements, ordnance stores, flags, drums, fifes, and other instruments, sixteen thousand dollars.

Transportation.

For transportation of officers, their servants, troops, and expenses of recruiting, twenty-five thousand dollars.

Barracks, &c.

For repairs of barracks, and rent of offices where there are no public buildings, fifteen thousand dollars.

Contingencies.

For contingencies, viz: freight, ferriage, toll, cartage, wharfage; purchase and repair of boats; compensation to judge-advocates; per diem for attending courts-martial, courts of inquiry, and for constant labor; house rent in lieu of quarters; burial of deceased marines; printing, stationery, postage, telegraphing; apprehension of deserters; oil, candles, gas; repairs of gas and water fixtures; water rent, forage, straw, barrack furniture; furniture for officers' quarters; bed-sacks, wrapping-paper, oil-cloth, crash, rope, twine, spades, shovels, axes, picks, carpenters' tools; keep of a horse for the messenger; pay of matron, washerwoman, and porter at the hospital headquarters; repairs to fire-engine; purchase and repair of engine-hose; purchase of lumber for benches, mess-tables, and bunks; repairs to public carryall; purchase and repair of harness; purchase and repair of handcarts and wheelbarrows; scavengering; purchase and repair of galleys; cooking-stoves, ranges; stoves where there are no grates; gravel for parade-grounds; repair of pumps; furniture for staff and commanding officers' offices; brushes, brooms, buckets, paving, and for other purposes, sixty thousand dollars.

Navy-yards.

NAVY-YARDS.

Portsmouth.

Portsmouth, New Hampshire. — For reservoir, gutters, oakum, store, siding-mill, extension of ship-house R; railway for floating dock; machinery and tools; grading gutters and drains; completing plumbers', coppersmiths', and tin shops; quay walls; completing mooring piers; completing extension of ship-house S; two launching *ships* [slips]; and for repairs of all kinds, three hundred and sixteen thousand two hundred and fifty dollars.

Boston.

Boston. — For addition to second story of ropewalk, two building slips, one set spinning preparation and repairs of ropewalk machinery, tar pit, and for repairs of all kinds, two hundred and fifty-four thousand five hundred dollars.

Navy-yards.

For completion of joiners' building, twenty-five thousand dollars.

New York.

New York. — For continuing quay wall; receiving store; grading and filling; drains, paving, and flagging; muster-office addition; completing new foundry; continuation of machine shop and iron-plating shop; launching ways, ship-house D; launching ways for steamers; joiners' shop addition; water-pipes and hydrants; general increase of machinery in the yard; and repairs of all kinds, eight hundred and ninety-five thousand seven hundred and sixty-three dollars.

Philadelphia.

Philadelphia. — For boat shop; machine shop; saw-mill; storehouse; plumbers' shop; crib foundation for launching ways; brick wall around new purchase; bulkhead at new purchase; repairs of dry dock; repairs of dredger; filling on new purchase; and repairs of all kinds, two hundred and eighty-five thousand six hundred and eighty dollars.

Washington.

Washington. — For completing copper-rolling mill extension; completing storehouse for provisions; new cradle for railway; coal depot and machinery; machinery and tools; flagging and draining; dredging channels; rail tracks; and repairs of all kinds, two hundred and eighteen thousand three hundred dollars.

Norfolk.

Norfolk. — For repairs of boat-shed number twenty-nine; repairs of timber-sheds number thirty and thirty-one; repairs of naval store number fifteen; repairs of stables; repairs of carpenters' shop; repairs of buildings number nineteen and thirty-seven; machinery and tools; dredging channels; and repairs of all kinds, four hundred and sixty-eight thousand five hundred dollars.

Pensacola.

Pensacola. — For repairs of machine shop, storehouse, commandant's quarters, commander's quarters, officers' quarters, and repairs of all kinds, one hundred and seventy-one thousand dollars.

Mare Island.

Mare Island. — For continuing grading and paving; foundry establishment; completing iron-wharf cranes; smithery, tools, and machinery; cistern and holder for gas-works; saw-mill machinery; coal house and wharf; sea-wall continuation; guard-house; completing one half of storehouse; and repairs of all kinds, two hundred and eight thousand eight hundred dollars.

Sackett's Harbor.

Sackett's Harbor. — For repairs of all kinds, two thousand dollars.

Hospitals.

HOSPITALS.

Boston.

Boston. — For repairs of buildings, roads, fences, painting hospital, enlargement of cemetery, glazing, painting, furniture, and miscellaneous items, eight thousand five hundred dollars.

New York.

New York. — For repairs of hospital buildings, appendages, roads, fences, walls, stables, painting, glazing in hospital and laboratory, and labor on cemetery and grounds, fourteen thousand dollars.

Washington.

Washington, District of Columbia. — For completing building authorized by act of March fourteenth, eighteen hundred and sixty-four, thirty thousand dollars.

Norfolk.

Norfolk. — For plastering, glazing, painting, repair of wharves and bridges, repair of cemetery enclosure, gas fixtures, and flagging, twelve thousand five hundred dollars.

Pensacola.

Pensacola. — For extension of building, enclosures, rooms for distributing stores, and for general repairs and improvements, ten thousand five hundred dollars.

Memphis.

Memphis. — For repairs and improvements, seven thousand dollars.

New Orleans.

New Orleans. — For repairs and improvements, five thousand dollars.

Magazines.

MAGAZINES.

Portsmouth.

Portsmouth. — For shot-beds; quay walls; boiler, boiler-room, and machinery; grading grounds; and repairs of all kinds, forty-seven thousand four hundred and twenty-five dollars.

Boston.

Boston. — For repairs of magazine, shell-houses, wharf at Chelsea, and

Magazines. powder-boat; repairs of ordnance store, shell-houses, gun and shot park at the yard; repairs of nitre depot at Malden; and tools for gun-carriage shop, six thousand three hundred and seventy-eight dollars.

New York. *New York.* — For ordnance machinery, and repairs of all kinds, fifty-five thousand dollars.

Philadelphia. *Philadelphia.* — For two stone magazine buildings, fifteen thousand six hundred and ninety-six dollars.

Washington. *Washington, District of Columbia.* — For repairs to buildings in ordnance yard, repairs to branch magazine, cleaning, and improving ordnance yard, erecting temporary buildings, additional ordnance machinery, and continuing work on new ordnance foundry, eighty-seven thousand dollars.

Norfolk. *Norfolk.* — For improvements and repairs of buildings at magazine Fort Norfolk, ten thousand dollars.

Mare Island. *Mare Island.* — For continuing shell-house and powder magazine at north end of yard, building a second shell-house at magazine, continuing preparations for gun-park, tools and machines for ordnance shop, repairs to building number seventy, occupied by ordnance; repairs to magazine; and for strengthening old wharf at magazine and building new addition, forty-four thousand four hundred and eighty-six dollars.

Miscellaneous. *Miscellaneous.* — For pay of superintendents, naval constructors, and all the civil establishments of the several navy-yards and stations, one hundred and thirty-two thousand eight hundred and seventy dollars.

Naval Academy. For expenses of professors, watchmen, and others, and contingencies of the United States Naval Academy, one hundred and fifteen thousand six hundred and twenty-six dollars.

Naval Observatory. *Naval Observatory.* — For pay of assistant astronomer, three aids, and clerk, eight thousand dollars.

For wages of instrument maker, two watchmen, porter, messenger, and laborers; keeping grounds in order, and repairs to buildings and enclosures; fuel, lights, office furniture, and stationery; and for freight, transportation, postage, and incidental expenses, fourteen thousand dollars.

Nautical Almanac. For preparing for publication the American Nautical Almanac, twenty-five thousand eight hundred and fifty dollars.

Naval Asylum, Philadelphia.

NAVAL ASYLUM, PHILADELPHIA.

For furniture and repairs of same; house-cleaning and whitewashing; furnaces, grates, and ranges; gas and water rent; improvement of grounds; wharves and lots; and for hospital, and repairs of all kinds, five thousand six hundred dollars.

For support of beneficiaries, forty-two thousand dollars.

Emergencies. To meet emergencies at the Atlantic, East and West Gulf, and Mississippi stations, five hundred thousand dollars.

Photographer. For pay of photographer in the bureau of ordnance, three hundred dollars.

Appointment of midshipmen. SEC. 2. *And be it further enacted*, That no midshipman shall be appointed for any district not represented in congress.

Pay of officer experimenting in gunnery. 1860, ch. 67, § 2. Vol. xii. p. 27. SEC. 3. *And be it further enacted*, That so much of the second section of an act entitled "An act to increase and regulate the pay of the navy of the United States," approved June one, eighteen hundred and sixty, as provided that the officer charged with experiments in gunnery at the navy-yard, Washington, shall receive the sea-service pay of the grade next above him, be, and the same is hereby, repealed.

Pay of commission on site for navy-yard. SEC. 4. *And be it further enacted*, That to defray the necessary expenses of the commission "to select the most approved site for a navy-yard or naval station on the Mississippi River, or upon one of its tributaries," the sum of two thousand five hundred and ninety dollars is hereby appropriated.

Enlargement of accommoda- SEC. 5. *And be it further enacted*, That the sum of one hundred thousand dollars is hereby appropriated to enlarge the accommodations for

sick, wounded, and otherwise disabled at the Naval Asylum, Philadelphia, authorized by act of congress of March fourteen, eighteen hundred and sixty-four. tions for sick, &c., at naval asylum. 1864, ch 30. *Ante*, p. 26.

SEC. 6. *And be it further enacted*, That the Secretary of the Navy be, and is hereby, authorized to purchase the balance of square nine hundred and forty-eight, in the city of Washington, District of Columbia, some fourteen thousand feet, upon which a naval hospital is now in course of erection: *Provided* the same can be obtained, in the judgment of the secretary, upon terms deemed just and reasonable. Land for naval hospital in Washington.

SEC. 7. *And be it further enacted*, That so much of the proviso of the act of third March, eighteen hundred and forty-three, entitled "An act making appropriations for the naval service for the half calendar year, beginning the first of January and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions, and all other materials of every name and nature, for the use of the navy, be furnished by contract with the lowest bidder, after advertisement, shall be, and the same is hereby, so far modified, that it shall not apply to bunting delivered for the use of the army and navy; that it shall be lawful for the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury to enter into contract for bunting, of American manufacture, as their respective services require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported. Repeal of part of 1843, ch. 83. Vol. v. p. 617. Bunting for army and navy.

APPROVED, March 2, 1865.

CHAP. LXXV.—*An Act making Appropriations for the Support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty-six.* March 2, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty-six. Military Academy appropriation.

For pay of officers, instructors, cadets, and musicians, one hundred and fifty-four thousand seven hundred and fifty-six dollars.

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

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

For current and ordinary expenses, as follows: repairs and improvements, fuel and apparatus, forage, postage, telegrams, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and departments of instruction, fifty-seven thousand nine hundred and twenty-seven dollars.

For increase and expense of library, one thousand dollars.

For forage for artillery and cavalry horses, seventeen thousand dollars.

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

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

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

For furniture for hospital for cadets, two hundred dollars.

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

For warming apparatus for academic and other buildings, ten thousand dollars.

For building public wharf, five thousand dollars.

For quarters for subaltern officers, one thousand five hundred dollars.

For fire apparatus, three thousand dollars.

SEC. 2. *And be it further enacted*, That section four of chapter forty-five of the public acts of the first session of the thirty-eighth congress, relating to cadets "found deficient," is hereby repealed. Cadets found deficient. 1864, ch. 45. *Ante*, p. 39.

APPROVED, March 2, 1865.

March 2, 1865.

CHAP. LXXVI. — *An Act to establish the Office of Solicitor and Naval Judge-Advocate.*

Solicitor and naval judge-advocate general to be appointed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, for service during the rebellion and one year thereafter, an officer in the Navy Department, to be called the "Solicitor and Naval Judge-Advocate General," at an annual salary of three thousand five hundred dollars, and that until the close of the fiscal year ending June thirtieth, eighteen hundred and sixty-six, the salary herein provided for shall be paid from any money in the treasury not otherwise appropriated.

Salary.

Fees for record in naval courts-martial.

SEC. 2. *And be it further enacted*, That the fees for record in naval courts-martial shall not in any one case exceed the sum of two hundred dollars.

APPROVED, March 2, 1865.

March 3, 1865.

CHAP. LXXVII. — *An Act to provide Ways and Means for the Support of the Government.*

Secretary of Treasury may borrow not over $600,000,000, and issue bonds, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to borrow, from time to time, on the credit of the United States, in addition to the amounts heretofore authorized, any sums not exceeding in the aggregate six hundred millions of dollars, and to issue therefor bonds or treasury notes of the United States, in such form as he may prescribe; and so much thereof as may be issued in bonds shall be of denominations not less than fifty dollars, and may be made payable at any period not more than forty years from date of issue, or may be made redeemable, at the pleasure of the government, at or after any period not less than five years nor more than forty years from date, or may be made redeemable and payable as aforesaid, as may be expressed upon their face; and so much thereof as may be issued in treasury notes may be made convertible into any bonds authorized by this act, and may be of such denominations — not less than fifty dollars — and bear such dates and be made redeemable or payable at such periods as in the opinion of the Secretary of the Treasury may be deemed expedient. And the interest on such bonds shall be payable semi-annually; and on treasury notes authorized by this act the interest may be made payable semi-annually, or annually, or at maturity thereof; and the principal, or interest, or both, may be made payable in coin or in other lawful money: *Provided*, That the rate of interest on any such bonds or treasury notes, when payable in coin, shall not exceed six per centum per annum; and when not payable in coin shall not exceed seven and three tenths per centum per annum; and the rate and character of interest shall be expressed on all such bonds or treasury notes: *And provided, further*, That the act entitled "An act to provide ways and means for the support of the government, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, shall be so construed as to authorize the issue of bonds of any description authorized by this act. And any treasury notes or other obligations bearing interest, issued under any act of congress, may, at the discretion of the Secretary of the Treasury, and with the consent of the holder, be converted into any description of bonds authorized by this act; and no bonds so authorized shall be considered a part of the amount of six hundred millions hereinbefore authorized.

Bonds, and when redeemable.

Treasury notes.

Interest.

Principal and interest how payable.

Rate of interest.

1864, ch. 172. *Ante*, p. 218.

Convertible.

Bonds, where may be disposed of and at what rates.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury may dispose of any of the bonds or other obligations issued under this act, either in the United States or elsewhere, in such manner, and at such rates, and under such conditions, as he may think advisable, for coin, or for other lawful money of the United States, or for any treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or may be issued under any act of con-

gress; and may, at his discretion, issue bonds or treasury notes authorized by this act, in payment for any requisitions for materials or supplies which shall have been made by the appropriate department or offices upon the treasury of the United States, on receiving notice in writing through the department or office making the requisition, that the owner of the claim for which the requisition is issued desires to subscribe for an amount of loan that will cover said requisition, or any part thereof; and all bonds or other obligations issued under this act shall be exempt from taxation by or under state or municipal authority.

Bonds may be issued for supplies.

Exempt from taxation.

SEC. 3. *And be it further enacted*, That all the provisions of the act entitled "An act to provide ways and means for the support of the government, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, in relation to forms, inscriptions, devices, and the printing, attestation, sealing, signing, and counterfeiting thereof, with such others as are applicable, shall apply to the bonds and other obligations issued under this act: *Provided*, That nothing herein contained shall be construed as authorizing the issue of legal-tender notes in any form; and a sum, not exceeding one per centum of the amount of bonds and other obligations issued under this act, is hereby appropriated to pay the expense of preparing and issuing the same, and disposing thereof.

Form of notes, &c. 1864, ch. 172. *Ante*, p. 218.

Legal tenders not authorized hereby.

Appropriation for expenses

APPROVED, March 3, 1865.

CHAP. LXXVIII. — *An Act to amend an Act entitled "An Act to provide Internal Revenue to support the Government, to pay Interest on the Public Debt, and for other Purposes," approved June thirtieth, eighteen hundred and sixty-four.*

March 3, 1865.

1864, ch. 173. *Ante*, p. 223.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, be, and the same is hereby, amended as hereinafter set forth, namely: —

That section four be amended by striking out the word "five," and inserting in lieu thereof the word "ten."

Number of agents.

That section eight be amended by striking out, after the words "within each of which the," the words "Secretary of the Treasury, whenever there shall be a vacancy, or the public interest shall require, shall appoint, with the approval of the said commissioner, one assistant assessor, who shall be a resident of the district of said assessor," and inserting in lieu thereof the words "assessor, whenever there shall be a vacancy, shall appoint, with the approval of said commissioner, one or more assistant assessor[s], who shall be a resident of such assessment district."

Assessors to appoint assistants.

Ante, p. 224.

That section fourteen be amended by striking out the word "fifty," and inserting in lieu thereof the words "twenty-five."

Penalty for not making returns.

That section twenty-five be amended by inserting after the words "four hundred thousand dollars," the words "and not exceeding one million of dollars, and one eighth of one per centum on all sums above one million of dollars;" by inserting after the words "reasonable charges for," the word "advertising;" and by striking out all of the first proviso; and by striking out the word "further" in the second proviso.

Commissions of collectors.

Ante, p. 232.

That section twenty-six be amended by striking out the word "apportionment," and inserting in lieu thereof the word "appointment."

That section twenty-eight be amended by striking out all after the enacting clause, and inserting in lieu thereof the words "That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement published in each county in his collection district, in one newspaper printed in such county, if any such there be, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county

Collector to give notice when and where taxes are payable.

Ante, pp. 232, 233.

at which he or his deputy will attend to receive the same, which time shall not be less than ten days after such notification. And if any person shall neglect to pay, as aforesaid, for more than ten days, it shall be the duty of the collector or his deputy to issue to such person a notice, to be left at his dwelling or usual place of business, or be sent by mail, demanding the payment of said duties or taxes, stating the amount thereof, with a fee of twenty cents for the issuing and service of such notice, and with four cents for each mile actually and necessarily travelled in serving the same. And if such person shall not pay the duties or taxes, and the fee of twenty cents and mileage as aforesaid, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said duties or taxes, and fee of twenty cents and mileage, with a penalty of ten per centum additional upon the amount of duties. And with respect to all such duties or taxes as are not included in the annual lists aforesaid, and all taxes and duties the collection of which is not otherwise provided for in this act, it shall be the duty of each collector, in person or by deputy, to demand payment thereof, in the manner last mentioned, within ten days from and after receiving the list thereof from the assessor, or within twenty days from and after the expiration of the time within which such duty or tax should have been paid; and if the annual or other duties shall not be paid within ten days from and after such demand therefor, it shall be lawful for such collector, or his deputies, to proceed to collect the said duties or taxes, with ten per centum additional thereto, as aforesaid, by distraint and sale of the goods, chattels, or effects of the persons delinquent as aforesaid. And in case of distraint it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if there is a newspaper published in said county, or to be publicly posted up at the post-office, if there be one within five miles, nearest to the residence of the person whose property shall be distrained, and in not less than two other public places, which notice shall specify the articles distrained, and the time and place for the sale thereof, which time shall not be less than ten nor more than twenty days from the date of such notification, [and] the place proposed for sale not more than five miles distant from the place of making such distraint. And in any case in which any person, bank, association, company, or corporation required by law to make return to the commissioner of internal revenue shall refuse or neglect to make such return within the time specified, the amount of circulation, deposit, and capital, or either, shall be estimated by the proper assessor or assistant assessor, and shall be certified by him to the commissioner. And in all cases in which the person, bank, association, company, or corporation required by law to make payment of taxes to the commissioner, shall neglect or refuse to make such payment within the time required, the commissioner shall certify the amount of tax due by such person, bank, association, or corporation, with all the penalties, additions, and expenses accruing, to the collector of the proper district, who shall collect the same by distraint and sale, as in other cases. And the same proceedings may be had to enforce the collection of taxes which have already accrued and which still remain unpaid. And if any person, bank, association, company, or corporation, liable to pay any duty, shall neglect or refuse to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interests, penalties, and costs that may accrue in addition thereto, upon all

Notice to those neglecting to pay.

Costs.

If not paid after notice, to be collected with costs and penalty.

Demand for taxes, &c., not in annual list.

Collection by distraint and sale.

Proceedings in case of distraint.

When returns are not made to commissioner.

Tax, how collected.

Amount due to be a lien.

property and rights to property; and the collector, after demand, may levy or by warrant may authorize a deputy collector to levy upon all property and rights to property belonging to such person, bank, association, company, or corporation, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy. And in all cases of sale, the certificate of such sale by the collector shall have the same effect as is prescribed by the one hundred and nineteenth section of the act to which this is an amendment. And all persons and officers of companies or corporations are required, on demand of a collector or deputy collector about to distrain or having distrained on any property and rights of property, to exhibit all books containing or supposed to contain evidence or statements relating to the subject or subjects of distraint, or the property or rights of property liable to distraint for the tax so due as aforesaid: *Provided*, That in any case of distraint for the payment of the duties or taxes aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor, if prior to the sale payment of the amount due or tender thereof shall be made to the proper officer charged with the collection of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing, advertising, and keeping [the] goods, chattels, or effects so distrained, as may be prescribed by the commissioner of internal revenue; but in case of non-payment or tender as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall and may retain from the proceeds of such sale the amount demandable for the use of the United States, with the necessary and reasonable expenses of distraint and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided, further*, That there shall be exempt from distraint the tools or implements of a trade or profession, one cow, arms, and provisions, and household furniture kept for use, school-books, and apparel necessary for a family."

Levy.

Effect of certificate of sale.

Books to be exhibited.

When and how goods distrained may be restored.

Overplus to be returned.

Exempt from distraint.

That section thirty-eight be amended by striking therefrom the words "thirty-five," and inserting in lieu thereof the words "thirty-six."

That section forty be amended by inserting after the words "appointment of a successor," the words: "*Provided*, That in case it shall appear to the Secretary of the Treasury that the interest of the government shall so require, he may, by his order, direct said duties to be performed by such other one of the said deputies as he may in such order designate."

Vacancy in office of collector.

Ante, p. 239.

That section fifty-two be amended by inserting before the words "That all assessors," the words "And be it further enacted;" by inserting after the word "deputies," the words "revenue agents;" and by striking out after the word "charged" the word "and," and inserting in lieu thereof the word "or."

Oaths.

Ante, p. 242.

That section fifty-three be amended by inserting after the word "distiller," where it first occurs, the words "before distilling any spirits;" by striking out after the word "any," and preceding the words "still or stills," the word "additional;" by striking out after the word "used," and preceding the words "shall be erected," the words "as aforesaid," and inserting in lieu thereof the words "for distilling;" and by inserting after the words "shall be erected," the words "or used."

Ante, p. 242.

That section fifty-four be amended by striking out the words "the same," and inserting in lieu thereof the words "and owning the same, and owning the building used as a distillery, and the land on which the same is located, and if the building or land is leased, the terms and conditions of the lease;" and by striking out the word "one," and inserting in lieu thereof the word "three."

Application for license as a distiller.

That section fifty-five be amended by inserting after the words "said

Tax a lien on spirits distilled, &c.

duties shall be a lien," the words "on the spirit distilled and;" and by adding at the end of the first proviso the words "except when made and used in the manufacture of vinegar or acetic acid, in which case the duties shall be collected on the basis of the actual proof."

"Gallon" to mean what. *Ante*, p. 243.

That section fifty-six be amended by adding at the end of the section the following words, to wit: "and in all sales of spirits hereafter made, where not otherwise specially agreed, a gallon shall be taken to be a gallon of first proof, according to the standard set forth and declared for the inspection and gauging of spirits throughout the United States."

Brandy from grapes, &c. *Ante*, p. 244

That section fifty-seven be amended by striking out the words "twenty-five," in the last proviso, and inserting "fifty" in its place; and by adding to the said proviso the following words, "and distilled from apples or peaches, shall pay one dollar and fifty cents per gallon."

Duty on certain spirits.

That section fifty-nine be amended by striking out the words "so inspected and," and also "forthwith," in the last clause of the first sentence; and by adding to the said sentence, after the word "warehouse," the words "before the day prescribed by law for making return of the same;" and by striking out the words "one hundred," and inserting in lieu thereof the words "three hundred."

Penalty for changing inspection mark.

Coal oil may be placed in warehouse, &c. *Ante*, p. 245.

That section sixty-one be amended by striking out after the words "and all," the words "refined coal oil," and inserting in lieu thereof the words "distilled or refined coal oil, distillate benzoin or benzole;" also by inserting after the word "warehouse," and before the words "and no drawback," the following words, "and the same fees shall be paid for exports as are charged to exporters for like services in the custom-house;" and by inserting after the words "redistilled," and before the words "for export," the words "or canned."

Penalty upon brewers and distillers. *Ante*, p. 248.

That section sixty-eight be amended by inserting after the word "suits" the words "and shall be deemed guilty of a misdemeanor, and be subject to imprisonment for a term not exceeding one year;" and that the proviso to said section be amended by adding after the words "forfeiture shall have" the word "been;" and by striking out the word "the" where it occurs the second time before the word "nature."

Disposition of goods of peddler seized, &c. *Ante*, p. 249.

That section seventy-four be amended by striking out the word "or" after the word "with," and inserting, in lieu thereof, the word "one;" and by striking out the words "and hold the same until the license is produced," and inserting in lieu thereof the words "and the assessor of the district in which the seizure has occurred may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horses, wagon, and contents, pack, bundle, or basket so seized shall not be forfeited; and, in case no sufficient cause is shown, the assessor may direct a forfeiture, and issue an order to the collector or to any deputy collector of the district for the sale of the property so forfeited; and one half of the same, after payment of the expenses of the proceedings, shall be paid to the officer making the seizure, and the other half thereof to the collector for the use of the United States."

Persons who may carry on business as co-partners. *Ante*, p. 251.

That section seventy-nine be amended by inserting in the first paragraph, after the words "claim agents," the words "patent agents;" by striking out, in the same paragraph, the words "carrying on such," and inserting in lieu thereof the words "may carry on;" by striking out, in the same paragraph, the words "may transact such business:" *Provided*, That no license shall hereafter issue until the managers of a lottery now existing shall give bond, in the sum of one thousand dollars, that the person receiving such license shall not sell any ticket, or supplementary ticket of such lottery which has not been duly stamped according to law; by inserting, in paragraph nine, after the words "other securities," the words "for themselves or others;" by striking from said paragraph the words "and shall make oath or affirmation, according to the form to be

Lottery-ticket dealers. *Ante*, p. 252.

Brokers.

prescribed by the commissioner of internal revenue, that all their transactions are made for a commission;" by striking out the proviso at the end of paragraph "twenty-eight;" by adding to paragraph thirty-two the following proviso: "*Provided, further*, That no man between the ages of twenty and forty-five who is not enrolled for military duty, or regularly exempted from enrolment or draft for physical disability, shall be entitled to a license as a peddler."

Insurance agents, &c. *Ante*, p. 254. Peddlers.

By striking out all of paragraph "forty-nine," and inserting in lieu thereof the following, to wit: —

Licenses. Miners.

"Forty-nine. Miners shall pay for each and every license the sum of ten dollars. Every person, firm, or company who shall employ others in the business of mining for coal, or for gold, silver, copper, lead, iron, zinc, spelter, or other minerals, not having taken out a license as a manufacturer, and no other, shall be regarded as a miner under this act: *Provided*, That this shall not apply to any miner whose receipts from his mine shall not exceed annually one thousand dollars.

Proviso.

Express-men.

"Fifty. A license of ten dollars shall be required of every person, firm, or company engaged in the carrying or delivery of money, valuable papers, or any articles for pay, or doing an express business, whose gross receipts therefrom exceed the sum of six hundred dollars per annum. But one license fee of ten dollars shall be required from any one person, firm, or company in respect to all the business to be done by such person, firm, or company on a continuous route, and the payment of such license fee shall cover all business done upon such route by such person, firm, or company, anywhere in the United States; and such license fee shall be required only from the principal in such business, and not from any subordinate.

Substitute brokers.

"Fifty-one. Substitute brokers shall pay one hundred dollars for each and every license, and in addition thereto ten dollars for each substitute procured by him and actually mustered into the military service of the United States. Every person who shall furnish or offer to furnish for pay, fee, or reward, volunteers, representative recruits, or substitutes for men drafted or liable to be drafted, for the military or naval service of the United States, shall be deemed a substitute broker under this act: *Provided, however*, That persons appointed by any state, county, city, township, or district, or the officers thereof, to procure the enlistment of volunteers or substitutes to fill the quota of such state, county, city, township, or district, for the military service of the United States, under the call of the President of the United States, shall not be considered substitute brokers: *And provided, further*, That such person or agent shall receive no compensation except that which is given by such state, county, town, city, or district.

Proviso.

Proviso.

Insurance brokers.

"Fifty-two. Insurance brokers shall pay twenty-five dollars for each license. Any person who shall negotiate or procure insurance in behalf of another person or party for which he shall receive any pay, commission, or compensation, shall be regarded as an insurance broker under this act," and the licenses herein provided for shall take effect on the first day of May next.

Ante, p. 258.

That section eighty-one be amended by striking therefrom the words "seventy-three," and inserting in lieu thereof the words "seventy-four," and by striking out the words "to vinters," and inserting in lieu thereof the words "nor to vintners."

Manufacturers

That section eighty-three be amended by inserting after the words "within his district, monthly," the words "within ten days from the twentieth day of each month," and by inserting after the words "such duties within" the word "said," and by striking out after the words "ten days," *following* the words "after demand in writing delivered to him in person, or left at his house or place of business, or manufactory, or sent by mail."

That section eighty-four be amended by striking out the words "eighty

first" and inserting in lieu thereof the words "eighty-second," and by striking out the words "eighty-fourth," and inserting in lieu thereof the words "eighty-fifth."

Manufacturers. Freight. *Ante*, p. 261.

That section eighty-six be amended by striking out the words "deposit at the time of sale," after the words "freight from the place of," and inserting in lieu thereof the word "manufacture," and in the next following paragraph by striking out the word "that" where it first occurs, and inserting in lieu thereof the word "the."

Manufacturers of tobacco, &c.;

That section eighty-seven be amended by striking out after the words "accurately setting" the word "for," and inserting in lieu thereof the word "forth," and after the words "description of the manufactured article," by striking out the words "the proposed market for the same, whether foreign or domestic," and by inserting after the word "assessor," and preceding the word "assistant," the word "or."

Ante, p. 262.

That section ninety be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That any person, firm, company, or corporation, now or hereafter engaged in the manufacture of tobacco, snuff, or cigars of any description whatsoever, shall be, and hereby is, required to make out and deliver to the assistant assessor of the assessment district a true statement or inventory of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, cigars, tin-foil, licorice, and stems held or owned by him or them on the first day of January of each year, or at the time of commencing business under this act, setting forth what portion of said goods was manufactured or produced by him or them, and what was purchased from others, whether chewing, smoking, fine-cut, shorts, pressed, plug, snuff-flour, or prepared snuff, or cigars, which statement or inventory shall be verified by the oath or affirmation of such person or persons, and be in manner and form as prescribed by the commissioner of internal revenue; and every such person, company, or corporation shall keep in a book, in such manner and form as said commissioner may prescribe, an accurate account of all the articles aforesaid thereafter purchased by him or them, the quantity of tobacco, snuff, snuff-flour, or cigars, of whatever description sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and he or they shall, on or before the tenth day of each month, furnish to the assistant assessor of the district a true and accurate copy of the entries in said book during the preceding month, which copy shall be verified by oath or affirmation; and in case the duties shall not be paid within five days after demand thereof, the said collector may, on one day's notice, distrain for the same, with ten per centum additional on the amount thereof, subject to all the provisions of law relating to licenses, returns, assessments, payment of taxes, liens, fines, penalties, and forfeitures, not inconsistent herewith in the case of other manufacturers; and such duty shall be paid by the manufacturer or the person for whom the goods are manufactured, as the assessor may deem best for the collection of the revenue: *Provided*, That it shall be the duty of any manufacturer or vendor of tin-foil or other material used in covering manufactured tobacco, on demand of any officer of internal revenue, to render to such officer a correct statement, verified by oath or affirmation, of the quantity and amount of tin-foil or other materials sold or delivered to any person or persons named in such demand; and in case of refusal or neglect to render such statement, or of cause to believe such statement to be incorrect or fraudulent, the assessor of the district may cause an examination of persons, books, and papers to be made in the same manner as provided in the fourteenth section of this act: *Provided, further*, That manufactured tobacco, snuff, or cigars, whether of domestic manufacture or imported, may be transferred, without payment of the duty, to a bonded warehouse established in conformity with law and treasury regulations, under such rules and regulations and upon the execution of such transportation bonds

to make returns, &c., January 1st of each year;

and each month.

If duties are not paid.

Tin-foil for covering tobacco.

Tobacco may be transferred to bonded warehouse.

or other security as the Secretary of the Treasury may prescribe, said bonds or other security to be taken by the collector of the district from which such removal is made; and may be transported from such a warehouse to a bonded warehouse used for the storage of merchandise at any port of entry, and may be withdrawn from bonded warehouse for consumption on payment of the duty, or removed for export to a foreign country without payment of duty, in conformity with the provisions of law relating to the removal of distilled spirits, all the rules, regulations, and conditions of which, so far as applicable, shall apply to tobacco, snuff, or cigars in bonded warehouse. And no drawback shall in any case be allowed upon any manufactured tobacco, snuff, or cigars, upon which any excise duty has been paid, either before or after it has been placed in bonded warehouse." Tobacco. No drawback on tobacco, &c

That section ninety-one be amended by striking out all after the enacting clause, and inserting in lieu thereof the following: "That all manufactured tobacco, snuff, or cigars, whether of domestic manufacture or imported, shall, before the same is used or removed for consumption, be inspected and weighed by an inspector appointed under the fifty-eighth section of the act to which this is an amendment, who shall mark or affix a stamp upon the box or other package containing such tobacco, snuff, or cigars, in a manner to be prescribed by the commissioner of internal revenue, denoting the kind or form of tobacco and the weight of such package, with the date of inspection and the name of the inspector. The fees of such inspector shall in all cases be paid by the owner of the manufactured tobacco, snuff, or cigars, so inspected and weighed. And the penalties for the fraudulent marking of any box or other package of tobacco, snuff, or cigars, and for any fraudulent attempt to evade the duties on tobacco, snuff, or cigars, so inspected, by changing in any manner the package or the marks thereon, shall be the same as are provided in relation to distilled spirits by existing laws. And all cigars manufactured after the passage of this act shall be packed in boxes. And any manufactured tobacco, snuff, and cigars, whether of domestic manufacture or imported, which shall be sold or pass out of the hands of the manufacturer or importer, except into a bonded warehouse, without the inspection marks or stamps affixed by the inspector, unless otherwise provided, shall be forfeited, and may be seized wherever found, and shall be sold, one half of the proceeds of such sale to be paid to the informer, and the other moiety to the United States. The commissioner of internal revenue shall keep an account of all stamps delivered to the several inspectors; and said inspectors shall also keep an account of all stamps by them used or placed upon boxes containing cigars, and of all tobacco, snuff, and cigars inspected, and the name of the person, firm, or company for whom the same were so inspected, and return to the assessor of the district a separate and distinct account of the same; and also return to the said commissioner on demand all stamps not otherwise accounted for, and shall give a bond for a faithful performance of all the duties to which he may be assigned, and to return or account for all stamps which may be placed in his hands." Tobacco, snuff, &c., to be inspected, &c. Fees. Penalties. Cigars to be packed. Certain tobacco, &c., to be forfeited. Stamps.

That section ninety-two be amended by striking out the words "by this act," and inserting in lieu thereof the words "by law."

That section ninety-four be amended by inserting after the words "pea coal" the words "or coal that will pass through a five-eighth inch, and over a three-eighth inch mesh;" in the paragraph relating to gas, by adding after the words "understood to be," in the first proviso, the words "in addition to the gas consumed by said company or other party;" by inserting in the last proviso in the paragraph on gas, after the words "coal-tar," where they first occur, the words "and ammoniacal liquor;" and by inserting after the words "coal-tar," where they occur the second time in said proviso, the words "and the products of the manufacture of ammo- Pea coal. Gas. Ante, pp. 264, 265.

Naphtha. niacal liquor;" by inserting after the word "naphtha," in the paragraph relating to coal illuminating oil, the word "distillate;" by inserting after the words "returns, assessments," the words "removing to and withdrawing from warehouses;" by striking from the proviso relating to naphtha, after the word "exceeding," the word "eighty," and inserting in lieu thereof the word "seventy;" by striking out of the first paragraph relating to "sugar" the words "brown or Muscovado;" and by striking out of the second paragraph relating to "sugar" the words "all clarified or refined;" and by striking out of the third paragraph relating to "sugar" the words "all clarified or refined;" by striking from the paragraph relating to gunpowder the words "at twenty-eight cents per pound or less, a duty of one cent per pound; when valued above twenty-eight and not exceeding thirty-eight cents per pound, a duty of one and a half cent per pound," and inserting in lieu thereof "at thirty-eight cents per pound or less, five per centum ad valorem;" and by striking out, in the last line of said paragraph, the word "eight," and inserting in lieu thereof the word "ten;" by inserting in the paragraph relating to "bill-heads, printed," after the word "circulars," the words "law-blanks, conveyancers' blanks, and other printed forms;" by adding at the end of the paragraph relating to printed books the words "which shall be paid by the publishers thereof;" by inserting in the paragraph relating to photographs, after the words "being copies of engravings or works of art," the words "when the same are sold by the producer at wholesale at a price not exceeding ten cents each, or are;" by striking from the paragraph relating to "hulls, as launched," the word "launched," and inserting in lieu thereof the words "finished, including cabins, inner and upper works;" by inserting after the word "sewing," in the proviso to the paragraph relating to "sails, tents, awnings, and bags," the words "or pasting;" by inserting at the end of the paragraph relating to stoves and hollow-ware the following:

Sugar.

Ante, p. 265.

Gunpowder.

Bill-heads, &c.

Photographs.

Hulls of vessels.

Sails, tents, &c.

Railroad chairs, &c. "On railroad chairs, and railroad, boat, and ship spikes and tubes, made of wrought iron, five dollars per ton;" by striking out, in the second proviso of the paragraph relating to "rivets," the words "upon which no duty has been assessed or paid," and inserting in lieu thereof the words "the duty to which it was liable;" and after the word "loops," in the line following, inserting "not having been paid;" by striking out the paragraph relating to steam-engines, and inserting in lieu thereof the following words:

Ante, p. 268.

Steam, &c., engines. "On steam, locomotive, and marine engines, including the boilers and all their parts, a duty of five per centum ad valorem: *Provided*, That when such boilers shall have been once assessed and a duty previously paid thereon, the amount so paid shall be deducted from the duties on the finished engine.

Boilers, tanks, &c. "On boilers of all kinds, water-tanks, sugar-tanks, oil-stills, sewing-machines, lathes, tools, planes, planing-machines, shafting and gearing, a duty of five per centum ad valorem.

Iron railings, gates, &c. "On iron railings, gates, fences, furniture, and statuary, a duty of five per centum ad valorem;" by adding at the end of the paragraph relating to quicksilver the following: "*Provided*, That quicksilver may be transferred, without payment of the duty, to a bonded warehouse established in conformity with law and treasury regulations, under such rules and regulations and upon the execution of such transportation bonds or other security as the Secretary of the Treasury may prescribe; said bonds or other security to be taken by the collector of the district from which such removal is made; and may be transported from such warehouse to a bonded warehouse used for the storage of merchandise at any port of entry; and quicksilver so bonded may be withdrawn from the bonded warehouse for consumption on payment of the duty, or removed for export to a foreign country without payment of duty, in conformity with the provisions of law relating to the removal of distilled spirits, all the rules, regulations, and conditions of which, so far as applicable, shall apply to quicksilver

Quicksilver.

in bonded warehouse; and no drawback shall in any case be allowed upon any quicksilver upon which any excise duty has been paid, either before or after it has been placed in bonded warehouse;" by adding at the end of the paragraph relating to copper and lead ingots the following proviso: "*Provided, however*, That brass made of copper and spelter, on which a duty of three per centum ad valorem shall have been assessed and paid, shall be assessed and pay a duty of three per centum on the increased value only thereof;" by inserting in the paragraph relating to rolled brass, after the word "sheets," the words "copper, zinc, and brass nails or rivets;" by adding to the paragraph relating to patent, enamelled, and japanned leather, the words "*Provided*, That when a duty has been paid on the leather in the rough, the duty shall be assessed and paid only on the increased value;" by striking out all of the first sentence of the proviso in the paragraph relating to wines or liquors, and inserting in lieu thereof the words "*Provided*, That the return, assessment, collection, and the time of collection of the duties on such wines, and wine made of grapes, shall be subject to the regulations of the commissioner of internal revenue;" by inserting in the paragraph relating to cloth, after the word "felted," the words "articles or;" after the word "warps," in the proviso of said paragraph, by striking out the word "for," and inserting in lieu thereof the words "sold before;" by inserting in the paragraph relating to ready-made clothing, after the word "dress," the words "not otherwise assessed and taxed as such;" and by striking out of the same paragraph all after the words "does not exceed the sum of," and inserting the words "one thousand dollars per annum shall be exempt from duty;" by inserting in the paragraph relating to manufactures of cotton, after the word "cloths," in the first proviso, the words "or articles," and after the word "fabrics," in the second proviso, the words "or articles;" by striking out the words "as aforesaid," where they occur the second time in said proviso, and by inserting at the end of said proviso the words "and when made wholly by the same manufacturer shall be subject to a duty only of five per centum ad valorem;" by striking out in [the] paragraph relating to diamonds, precious stones, and imitations thereof, and all other jewelry, the word "ten," and inserting in lieu thereof the word "five;" by striking out of said section the several paragraphs from the words "on cavendish, plug, twist," down to and including the words "and the other to the United States," and inserting in lieu thereof the following:

No drawback on quicksilver

Brass.

Copper, &c., nails.

Patent, &c., leather.

Wines or liquors.

Ante, p. 269.

Cloth.

Clothing.

Manufactures of cotton.

Ante, p. 270.

Diamonds, &c.

"On snuff, manufactured of tobacco or any substitute for tobacco, ground dry or damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, forty cents per pound.

Snuff.

"On cavendish, plug, twist, and all other kinds of manufactured tobacco, not herein otherwise provided for, forty cents per pound.

Tobacco.

"On tobacco twisted by hand, or reduced from leaf into a condition to be consumed, without the use of any machine or instrument, and without being pressed, sweetened, or otherwise prepared, thirty cents per pound.

"On fine-cut chewing tobacco, whether manufactured with the stems in or not, or however sold, whether loose, in bulk, or in rolls, packages, papers, wrappers, or boxes, forty cents per pound.

"On smoking tobacco of all kinds, and imitations thereof, not otherwise herein provided for, thirty-five cents per pound.

"On smoking tobacco made exclusively of stems, and so sold, fifteen cents per pound.

"On cigarettes made of tobacco, enclosed in a paper wrapper, and put up in packages containing not more than twenty-five cigarettes, and valued at not more than five dollars per hundred packages, five cents per package.

Cigarettes.

"On all cigars, cheroots, and cigarettes, made wholly of tobacco, or of any substitutes therefor, ten dollars per thousand cigars;" by inserting in

Cigars, &c.

the last paragraph relating to cigars, after the words "imprisonment not exceeding thirty days," the words, "And any person furnished with such permit may apply to the assistant assessor or inspector of the district to have any cigars of their own manufacture counted; and on receiving a certificate of the number for which such fee as may be prescribed by the commissioner of internal revenue shall be paid by the owner thereof, may sell and deliver such cigars to any purchaser, in the presence of said assistant assessor or inspector, in bulk or unpacked, without payment of the duty. A copy of the certificate shall be retained by the assistant assessor, or by the inspector, who shall return the same to the assistant assessor of the district. The purchaser shall pack such cigars in boxes, and have the same inspected and marked or stamped according to the provisions of this act, and shall make a return of the same as inspected to the assistant assessor of the district, and, unless removed to a bonded warehouse, shall pay the duties on such cigars within five days after purchasing them to the collector of the district wherein they were manufactured, and before the same have been removed from the store or building of such purchaser, or from his possession; and any such purchaser who shall neglect for more than five days to pack and have such cigars duly inspected, and pay the duties thereon according to this act, or who shall purchase any cigars from any person not holding such permit, the duties thereon not having been paid, shall be deemed guilty of a misdemeanor, and be fined not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court, and the cigars shall be forfeited and sold, one fourth for the benefit of the informer, one fourth for the officer who seized or had them condemned, and one half shall be paid to the government."

Permit for sale of cigars before inspection.

Cider and cider-vinegar.

Ante, p. 272.

Hoop-skirts.

That section ninety-six be amended by inserting after the words "concentrated milk," the words "cider and cider-vinegar, and sugar or molasses made from other articles than the sugar-cane;" by striking out after the words "use exclusively," the words "materials prepared for the manufacture of hoop-skirts exclusively, and unfit for other use, such as," and inserting in lieu thereof the word "and," and by striking out the words "for joining hoops together," and inserting in lieu thereof the words "used in the manufacture of hoop-skirts."

Sales, &c., of gold, &c.

Ante, p. 273.

That section ninety-nine be amended by striking out the words "gold and silver bullion and coin," and by striking out the words "of all contracts for such sales," and inserting in lieu thereof the words "upon any sales or contracts for the sale of gold and silver bullion and coin, one tenth of one per centum on the amount of such sales or contracts."

Railroads, steamboats, canal-boats, stages, &c.

Ante, p. 275.

That section one hundred and three be amended by adding the following after the word "vehicle," where it occurs the second time in the section: "*Provided*, That this section shall not apply to those teams, wagons, and vehicles used in the transportation of silver ores from the mines where the same *is* [are] excavated to the place where they are reduced or worked."

That section one hundred and three be further amended by inserting after the words "and any foreign port," the words "but such duty shall be assessed upon the transportation of persons and property shipped from a port within the United States, through a foreign territory, to a port within the United States, and shall be assessed upon, and collected from, persons, firms, companies, or corporations within the United States receiving such freight or transportation." And that section one hundred and three be amended by adding at the end of said section the following: "*And provided further*, That no tax under this section shall be assessed upon any person whose gross receipts do not exceed one thousand dollars per annum."

That section one hundred and five be amended by striking out, at the end thereof, the words "for the quarter then next preceding."

That section one hundred and nine be amended by striking out, after the words "one hundred and," the word "two," and inserting in lieu thereof the word "three."

That section one hundred and ten be amended by striking out, after the words "and redemption thereof," the words "nor to any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning the same on interest for the benefit of the depositors only, and which do no other business of banking." Savings banks. *Ante*, p. 278.

That section one hundred and sixteen be amended by striking out all after the enacting clause, and inserting in lieu thereof the following: "That there shall be levied, collected, and paid annually upon the annual gains, profits, and income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interests, dividends, or salaries, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, a duty of five per centum on the excess over six hundred dollars and not exceeding five thousand dollars, and a duty of ten per centum on the excess over five thousand dollars; and in ascertaining the income of any person liable to an income tax, the amount of income received from institutions whose officers, as required by law, withhold a per centum of the dividends made by such institutions and pay the same to the commissioner of internal revenue, or other officer authorized to receive the same, shall be included; and the amount so withheld shall be deducted from the tax which otherwise would be assessed upon such person. And the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, and income for the year ending the thirty-first day of December next preceding the time for levying, collecting, and paying said duty: *Provided*, That incomes derived from interest upon notes, bonds, and other securities of the United States, and also all premiums on gold and coupons shall be included in estimating incomes under this section. *Provided, further*, That only one deduction of six hundred dollars shall be made from the aggregate incomes of all the members of any family composed of parents and minor children, or husband and wife: *And provided, further*, That net profits realized by sales of real estate purchased within the year for which income is estimated, shall be chargeable as income; and losses on sales of real estate purchased within the year for which income is estimated, shall be deducted from the income of such year." Income tax. *Ante*, p. 281. Rate. Incomes, how ascertained. Proviso. Deduction. Profits, &c., from sales of real estate.

That section one hundred and seventeen be amended by striking out all after the enacting clause, and inserting in lieu thereof the following: "That in estimating the annual gains, profits, and income of any person, all national, state, county, and municipal taxes paid within the year shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgagor; also the salary or pay received for services in the civil, military, naval, or other service of the United States, including senators, representatives, and delegates in congress, above the rate of six hundred dollars per annum; also the amount paid by any person for the rent of the homestead used or occupied by himself or his family, and the rental value of any homestead used or occupied by any person or by his family, in his own right or in the right of his wife, shall not be included and assessed as part of the income of such person. In estimating the annual gains, profits, or income of any person, the interest received or accrued upon all notes, bonds, and mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectable, less the interest paid by or due from such person, shall be included and assessed as part of the income of such person for each year; and also all income or gains derived from the purchase and sale of stocks or other property, real or personal, and of live stock, and the amount of live stock, sugar, wool, butter, cheese, pork, beef, mutton, Deductions. Taxes. Rent. Interest. Gains from sales.

Live stock, produce, &c.

or other meats, hay and grain, or other vegetable or other productions, being the growth or produce of the estate of such person sold, not including any part thereof unsold or on hand during the year next preceding the thirty-first of December, until the same shall be sold, shall be included and assessed as part of the income of such person for each year, and his share of the gains and profits of all companies, whether incorporated or partnership, shall be included in estimating the annual gains, profits, or income of any person entitled to the same, whether divided or otherwise.

Amounts paid for labor, &c.

In estimating deductions from income, as aforesaid, when any person rents buildings, lands, or other property, or hires labor to cultivate land, or to conduct any other business from which such income is actually derived, or pays interest upon any actual incumbrance thereon, the amount actually paid for such rent, labor, or interest, shall be deducted; and also

Repairs.

the amount paid out for usual or ordinary repairs, not exceeding the average paid out for such purposes for the preceding five years, shall be deducted, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the

Proviso.

value of any property or estate: *Provided*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States shall not exceed the rate of six hundred dollars per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, in such manner as the commissioner of internal revenue, under the direction of the Secretary of the Treasury, may prescribe."

List or return.

That section one hundred and eighteen be amended by striking out all after the enacting clause, and inserting in lieu thereof the words, "That

Ante, p. 282.

it shall be the duty of all persons of lawful age to make and render a list or return, in such form and manner as may be prescribed by the commissioner of internal revenue, to the assistant assessor of the district in which they reside, of the amount of their income, gains, and profits, as aforesaid; and all guardians and trustees, whether as executors, administrators, or in any other fiduciary capacity, shall make and render a list or return, as aforesaid, to the assistant assessor of the district in which such guardian or trustee resides, of the amount of income, gains, and profits of any minor or person for whom they act as guardian or trustee; and the assistant assessor shall require every list or return to be verified

Oath.

by the oath or affirmation of the party rendering it, and may increase

Increase.

the amount of any list or return, if he has reason to believe that the same is understated; and in case any person, guardian, or trustee shall

Neglect, or false returns.

neglect or refuse to make and render such list or return, or shall render a false or fraudulent list or return, it shall be the duty of the assessor or the assistant assessor to make such list, according to the best information he can obtain, by the examination of such person, and his books and accounts, or any other evidence, and to add twenty-five per centum as a

Penalty.

penalty to the amount of the duty due on such list in all cases of wilful neglect or refusal to make and render a list or return, and, in all cases of a false or fraudulent list or return having been rendered, to add one hundred per centum, as a penalty, to the amount of duty ascertained to be due, the duty and the additions thereto as penalty to be assessed and collected in the manner provided for in other cases of wilful neglect or refusal to render a list or return, or of rendering a false and fraudulent

Proviso.

return: *Provided*, That any party, in his or her own behalf, or as guardian or trustee, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the commissioner of internal revenue, that he or she, or his or her ward or beneficiary, was not possessed of an income of six hundred dollars, liable to be assessed according to the provisions of this act; or may declare that he or

she has been assessed and paid an income duty elsewhere in the same year, under authority of the United States, upon his or her gains and profits, as prescribed by law, and if the assistant assessor shall be satisfied of the truth of the declaration, shall thereupon be exempt from income duty in said district; or if the list or return of any party shall have been increased by the assistant assessor, such party may exhibit his books and accounts, and be permitted to prove and declare, under oath or affirmation, the amount of annual income liable to be assessed; but such oaths and evidence shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the assistant assessor. Any person feeling aggrieved by the decision of the assistant assessor in such cases may appeal to the assessor of the district, and his decision thereon, unless reversed by the commissioner of internal revenue, shall be final, and the form, time, and manner of proceedings shall be subject to rules and regulations to be prescribed by the commissioner of internal revenue."

Income paid in another district.

Amount of income may be proved.

Appeal.

That section one hundred and nineteen be amended by striking out the words "for thirty days," and, after the words "for ten days after," inserting the words "notice and."

Income tax, when payable.

Ante, p. 283.

That section one hundred and twenty be amended by striking out, at the end thereof, the word "act," and inserting in lieu thereof the word "section."

Ante, p. 284.

That section one hundred and twenty-five be amended by striking therefrom the word "and," following the word "custody," and inserting in lieu thereof the word "any."

Ante, p. 287.

That section one hundred and thirty-three be amended by adding, at the end thereof, the following words: "*Provided*, That no duty shall be levied in respect of any succession vesting before or subsequent to the passage of this act, where the successor shall be the wife of the predecessor."

Succession to real estate.

Ante, p. 289.

That section one hundred and thirty-five be amended by striking therefrom the word "extension," and inserting in lieu thereof the word "extinction."

That section one hundred and forty-nine be amended by striking out the word "assment," and inserting in lieu thereof the word "assessment."

Ante, p. 291.

That section one hundred and fifty-eight be amended by striking out all after the enacting clause, and inserting in lieu thereof the following, to wit: "That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any bill of exchange, draft, or order, or promissory note, for the payment of money, without the same being duly stamped or having thereupon an adhesive stamp for denoting the duty chargeable thereon, with intent to evade the provisions of this act, shall for every such offence forfeit the sum of fifty dollars, and such instrument, document, or paper, bill, draft, order, or note shall be deemed invalid and of no effect: *Provided*, That the title of a purchaser of land, by deed duly stamped, shall not be defeated or affected by the want of a proper stamp on any deed conveying said land by any person from, through, or under whom his grantor claims or holds title: *And provided, further*, That hereafter, in all cases where the party has not affixed to any instrument [as] required by the one hundred and fifty-first section of the act of June thirtieth, eighteen hundred and sixty-four, or the schedule marked B thereunto annexed, *and* the stamp thereby required to be thereunto affixed, at the time of making or issuing the said instrument, and he or they or any party having an interest therein shall be subsequently desirous of affixing such stamp to said instrument, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by

Ante, p. 293.

Penalty for making, paying, &c., unstamped instruments, &c.

Title to real estate.

When and how unstamped instruments may be stamped.

Ante, p. 291.

law, and of a penalty of fifty dollars, and, where the whole amount of the duty denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest at the rate of six per cent. on said duty from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument and note upon the margin of said instrument the date of his so doing, and the fact that such penalty has been paid, and such instrument shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided, further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction that any such instrument has not been duly stamped at the time of making or issuing the same by reason of accident, mistake, inadvertence, or urgent necessity, and without any wilful design to defraud the United States of the stamp duty, or to evade or delay the payment thereof, then and in such case, if such instrument shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of revenue to be stamped and the stamp duty chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped."

Penalty may be remitted when, &c.

Stamp duty not required on, &c.

That section one hundred and sixty be amended by inserting before the word "injury" the word "accidental," and by striking out the words "while travelling;" also by striking out after the words "nor on certificates" the word "or," and inserting in lieu thereof the word "of;" and by striking out the words "other articles," and inserting in lieu thereof the word "hay."

Ante, p. 294.

That section one hundred and sixty-five be amended by striking out in the proviso the words "act contained," and inserting in lieu thereof the word "section."

Ante, p. 296.

That section one hundred and sixty-seven be amended by striking out the word "or" where it occurs the second time, and inserting after the word "sell" the words "expose for sale."

Matches, &c., not to be made in bonded warehouse.

That section one hundred and sixty-eight be amended by striking out the words "lucifer or friction matches and cigar-lights or wax tapers."

That section one hundred and sixty-nine be amended by inserting after the words "who shall offer," the words "or expose;" and by inserting after the words "so offered," the words "or exposed;" and by inserting in the proviso, after the words "imported articles," the words "except lucifer or friction matches, cigar-lights, and wax tapers."

Ante, p. 297.

Receipts of express companies.

That "Schedule B," preceding section one hundred and seventy-one, be amended in the paragraph marked "receipts," by inserting, after the word "property," the words "except receipts issued by any persons, firms, or companies doing business as an express or express company on the delivery of any property for transportation," and that "Schedule C," preceding section one hundred and seventy-one, be amended in all the paragraphs concerning "playing-cards" by striking out, wherever it occurs, the word "retail." Add at the end of the paragraph marked "receipts," the following: "*Provided*, That when two or more persons shall sign the same receipt, one or more stamps, equal in value to the several stamps required by this act, may be affixed to said receipt in lieu of said several stamps."

Ante, p. 300.

Playing-cards.

Ante, p. 302.

Ante, p. 300.

That "Schedule B," preceding section one hundred and seventy-one, be further amended by striking out the word "lease" in the proviso in the clause taxing "mortgages," &c.; and also by adding to said proviso the following: "*And provided further*, That upon each and every assignment of any lease a stamp duty shall be required and paid equal to that imposed on the original instrument, increased by a stamp duty on the consideration or value of the assignment equal to that imposed upon the conveyance of land for similar consideration or value."

Assignment of lease.

Drawback.

That section one hundred and seventy-one be amended by inserting before the words "refined coal-oil," the words "crude petroleum or rock-

oil;" and after the words "all descriptions," by inserting the words "bullion, quicksilver, lucifer or friction matches, cigar-lights, and wax tapers."

In prosecutions, one half of fines to go to informer.

That section one hundred and seventy-nine be amended by striking therefrom the words "if a collector or deputy collector," and by adding at the end of the words "use of the United States," the words "and where any penalty is paid without suit, or before judgment, and a moiety of the same is claimed by any person as informer, the Secretary of the Treasury, on application to him, under such regulations as he shall prescribe, shall determine whether any claimant is entitled to such moiety and to whom the same shall be paid."

Ante, p. 305.

SEC. 2. *And be it further enacted*, That from and after the passage of this act the proviso to section one hundred and sixty-nine of the act to which this act is an amendment shall not be held to apply to lucifer matches, friction matches, or other articles made in part of wood and used for like purposes, nor to cigar-lights and wax tapers.

Ante, p. 297.

Matches, lights, and tapers.

SEC. 3. *And be it further enacted*, That from and after the thirtieth day of June, eighteen hundred and sixty-five, the gross amount of all duties, taxes, and revenues received or collected by virtue of the several acts to provide internal revenue to support the government and to pay the interest on the public debt, and of any other act or acts that may now or hereafter be in force connected with the internal revenues, shall be paid by the officers, collectors, or agents receiving or collecting the same, daily into the treasury of the United States, under the instructions of the Secretary of the Treasury, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses or claims of any description whatever, anything in any law to the contrary notwithstanding. And all moneys now directed by law to be paid to the commissioner of internal revenue, including those derived from the sale of stamps, shall be paid into the treasury of the United States by the party making such payment; and a certificate of such payment stating the name of the depositor and the specific account on which the deposit was made, signed by the treasurer, assistant treasurer, designated depositary, or proper officer of a deposit bank, and transmitted to and received by the commissioner of internal revenue, shall be deemed a compliance with the law requiring payment to be made to the commissioner, any law to the contrary notwithstanding: *Provided*, That in districts where, from the distance of the officer, collector, or agent receiving or collecting such duties, taxes, and revenues from a proper government depository, the Secretary of the Treasury may deem it proper, he may extend the time for making such payment, not exceeding, however, in any case, the period of one month.

Amounts collected, &c., to be paid into the treasury daily, without deduction.

Certificate of payment.

Proviso.

SEC. 4. *And be it further enacted*, That so much money as may be necessary for the payment of the lawful expenses, incident to carrying into effect the various acts relative to the assessment and collection of the internal revenues after the thirtieth day of June, eighteen hundred and sixty-five, until the first day of July, eighteen hundred and sixty-six, and not otherwise provided for, be, and the same is hereby, appropriated from any money in the treasury not otherwise appropriated. And it shall be the duty of such of the collectors of internal revenue as the Secretary of the Treasury may direct to act as disbursing agents to pay the aforesaid expenses, without increased compensation therefor, and to give good and sufficient bonds and sureties for the faithful performance of their duties as such disbursing agents, in such sum and form as shall be prescribed by the first comptroller of the treasury and approved by the Secretary.

Appropriation for expenses of carrying the act into effect.

Certain collectors to disburse without pay.

SEC. 5. *And be it further enacted*, That in addition to the duties imposed in section ninety-four of the act to which this is an amendment, as hereinbefore amended, there shall be levied, collected, and paid upon the goods, wares, and merchandise therein mentioned, except as hereinafter otherwise provided, an increase of one fifth or twenty per centum of the

Additional duties on certain articles.

Ante, p. 264.

duties or rates of duty now provided in said section, whether ad valorem or specific: *Provided*, That the additional duties or rates of duty herein

Exceptions. mentioned shall not apply to coal illuminating oil, refined, and naphtha, benzine and benzole, wood screws, paper of all descriptions, printed books, magazines, pamphlets, reviews, and similar publications, cotton, manufactured tobacco, snuff, cigars, cigarettes, and cheroots.

Tax on bank circulation after, &c. Sec. 6. *And be it further enacted*, That every national banking association, state bank, or state banking association, shall pay a tax of ten per centum on the amount of notes of any state bank or state banking association, paid out by them after the first day of July, eighteen hundred and sixty-six.

Existing state banks to be preferred until, &c.; in applying to become national banks. Sec. 7. *And be it further enacted*, That any existing bank organized under the laws of any state, having a paid-up capital of not less than seventy-five thousand dollars, which shall apply before the first day of July next for authority to become a national bank under the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, and shall comply with all the requirements of said act, shall, if such bank be found by the comptroller of the currency to be in good standing and credit, receive such authority in preference to new associations applying for the same:

1864, ch. 106. *Ante*, p. 99.

Proviso. *Provided*, That it shall be lawful for any bank or banking association organized under state laws, and having branches, the capital being joint and assigned to and used by the mother bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother bank and each branch to be regulated by the amount of capital assigned to and used by each.

Tax on crude petroleum; Sec. 8. *And be it further enacted*, That there shall be levied, collected, and paid on all crude petroleum or rock-oil that may be produced and sold, or removed for consumption or sale, a duty of one dollar on each and every barrel of not more than forty-five gallons; and all petroleum or rock-oil that may be in possession of the producers at the place of production on the day when this act takes effect, shall be held and treated as if produced on

when payable; that day; and the said duty shall be paid by the owner, agent, or superintendent of the well from which the petroleum or rock-oil has been produced, within ten days after the time of rendering the account required to be rendered by law of petroleum or rock-oil so chargeable with duty;

to be a lien. and the said duty shall be a lien upon the same and on the well producing the same, with the buildings, fixtures, vessels, machinery, and tools, and on the lot or tract of land where the same may be, until the said duty shall be paid; and the person paying such duty, if other than the actual owner of said petroleum, shall have a lien on such petroleum for the repayment of the duties so advanced by him: *Provided*, That any person who

Penalty. shall produce petroleum or rock-oil, and use or refine the same without having paid the duty as aforesaid, shall, in addition to all other penalties and forfeitures, be liable to pay double the amount of duties as aforesaid

Proviso. thereon: *Provided, further*, That when casks, barrels, or other vessels are used, holding more than forty-five gallons, the excess shall be paid for at the rate of one dollar for every forty-five gallons.

Collecting, &c., tax on petroleum. Sec. 9. *And be it further enacted*, That every person who shall be the owner of any well producing petroleum or rock-oil, or who shall have such well under his superintendence, either as agent for the owner or on his own account, and every person who shall use any well as aforesaid, either as owner, agent, or otherwise, shall, from day to day, make true and exact entry, or cause to be entered in a book to be kept for that purpose, the number of barrels of crude petroleum or rock-oil, barrelled or removed for storage, or for sale, or for consumption; which book shall be

open at all times when required for the inspection of the assessor, assistant assessor, collector, deputy collector or inspector, who may take any memorandums or transcript thereof; and on the first, eleventh, and twenty-first days of each and every month, or within five days thereafter, the owner, agent, or superintendent shall render to the assessor of the district an account in duplicate of the number of barrels of petroleum or rock-oil sold, and of the number of barrels removed for consumption or sale or storage, not before accounted for.

Returns tri-monthly.

SEC. 10. *And be it further enacted*, That wherever, under the proviso to section one hundred and three, the addition to any fares shall amount to a sum involving the fraction of one cent, any person or company liable to the duty of two and one half per cent., as in said section provided, shall be authorized to add to such fare one cent in lieu of such fraction.

Railroad, &c., fares.

Ante, p. 276.

SEC. 11. *And be it further enacted*, That lucifer or friction matches, and cigar-lights and wax tapers, may be transferred, without payment of duty, directly from the place of manufacture to a bonded warehouse established in conformity with law and treasury regulations; and upon the execution of such transportation bonds, or other security, as the Secretary of the Treasury may prescribe, said bonds to be taken by the collector in the district from which such removal is made, and may be withdrawn therefrom for consumption after affixing the stamps thereto, as provided by the act to which this act is an amendment, or may be removed therefrom for export to a foreign country without payment of duty or affixing stamps thereto, in conformity with the provisions of the act aforesaid, relating to the removal of distilled spirits, all the rules and regulations and conditions of which, as far as applicable, shall apply to lucifer or friction matches, cigar-lights, and wax tapers in bonded warehouse. And no drawback shall in any case be allowed upon any lucifer or friction matches, cigar-lights, or wax tapers upon which any excise duty has been paid, or stamps affixed, either before or after they have been placed in bonded warehouse.

Lucifer matches, &c., may be transferred to bonded warehouse.

Withdrawal.

No drawback.

SEC. 12. *And be it further enacted*, that any person required by law to be licensed as a manufacturer of tobacco, snuff, or cigars, before said license is issued, shall give a bond to the United States in such sum as shall be required by the collector, and with one or more sureties to be approved by the collector, conditioned that he will comply with all the requirements of law, in regard to any persons, firms, companies, or corporations engaged in the manufacture of tobacco, snuff, or cigars; that he will not manufacture nor employ others to manufacture tobacco, snuff, or cigars without first obtaining the requisite permit for such manufacture; that he will not engage in any attempt by himself or by collusion with others to defraud the government of any duty or tax on any manufacture of tobacco, snuff, or cigars; that he will render truly and correctly all the returns, statements, and inventories prescribed for manufacturers of tobacco, snuff, and cigars, and will pay to the collector of the district all the duty or taxes which may or should be assessed and due on any tobacco, snuff, or cigars, so manufactured, and that he will not knowingly sell, purchase, or receive for sale any such tobacco, snuff, or cigars which has not been inspected, branded, or stamped, as required by law, or upon which the tax has not been paid.

Manufacturers of tobacco, &c., before license, to give bond.

Conditions of bond.

SEC. 13. *And be it further enacted*, That all persons and every person who shall engage or be concerned in the business of a lottery dealer without having first obtained a license so to do, under such rules and regulations as shall be prescribed by the Secretary of the Treasury, shall forfeit and pay a penalty of one thousand dollars, to be assessed by the assessor of the proper district and collected as assessed taxes are collected, subject, nevertheless, to the provisions of law relating to erroneous assessments, and shall, on conviction by any court of competent jurisdiction, suffer imprisonment for a period not exceeding a year, at the discretion of the court. And it shall be the duty of all managers and proprietors, and

Lottery dealers without license; penalty.

Managers of lotteries to keep books, &c.

their agents, to keep, or cause to be kept, just and true books of account wherein all their transactions shall be plainly and legibly set forth, which books of account shall at all reasonable times and hours be subject to the inspection of the assessor, assistant assessor, revenue agent, and inspector of the proper district; and any manager, proprietor, agent, or vender under this act, who shall refuse or prohibit such inspection of his or their books, as aforesaid, shall pay a penalty of one thousand dollars, or suffer imprisonment for a term not exceeding one year for every such offence.

Penalty for refusing inspection.

What to be deemed the capital of a state bank, for purposes of this act.

SEC. 14. *And be it further enacted*, That the capital of any state bank or banking association which has ceased, or shall cease to exist, or which has been or shall be converted into a national bank, for all the purposes of the act to which this is an amendment, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid. And whenever the outstanding circulation of any bank, association, corporation, company, or person shall be reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation. And whenever any state bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such state bank or banking association, including the redemption of its bills, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such state bank or banking association.

Circulation when free of tax.

If in any port there is more than one collector of internal revenue, one to be designated to attend to exportation, &c.

SEC. 15. *And be it further enacted*, That in any port of the United States in which there is more than one collector of internal revenue, the Secretary of the Treasury shall designate one of said collectors to have charge of all matters relating to the exportation of articles subject to duty under the laws to provide internal revenue; and at such ports as the Secretary of the Treasury may deem necessary there shall be an officer appointed by him to superintend all matters of exportation and drawback, under the direction of the collector, whose compensation therefor shall be prescribed by the Secretary of the Treasury, not exceeding, however, in any case, an annual rate of two thousand dollars, which, together with the office expenses of such superinten[den]ce, shall not be included in the maximum of the aggregate expenses of the office of the said collector. And all books, papers, and documents in the bureau of drawback in the different ports, relating to the drawback of duties paid under the internal revenue laws, shall be delivered to said collector of internal revenue.

Drawbacks.

Repealing clause.

SEC. 16. *And be it further enacted*, That all provisions of any former act inconsistent with the provisions of this act are hereby repealed: *Provided, however*, That no duty imposed by any previous act, which has become due or of which return has been or ought to be made, shall be remitted or released by this act, but the same shall be collected and paid, and all fines and penalties heretofore incurred shall be enforced and collected, and all offences heretofore committed shall be punished as if this act had not been passed; and the commissioner of internal revenue, under the direction of the Secretary of the Treasury, is authorized to make all necessary regulations and to prescribe all necessary forms and proceedings for the collection of such taxes and the enforcement of such fines and penalties for the execution of the provisions of this act.

Saving of duties imposed and of fines, &c., incurred.

Supplies for the United States may be purchased duty free.

SEC. 17. *And be it further enacted*, That the privilege of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, which now does or hereafter shall exist by provision of law, shall be extended, under such regulations as the Secretary of the Treasury may prescribe, to all articles of domestic production which are subject to tax by the provisions of this act.

When act takes effect.

SEC. 18. *And be it further enacted*, That this act shall be in force and effect on and after the first day of April, in the year eighteen hundred and sixty-five, unless otherwise provided by this act.

Commission upon raising revenue by taxation.

Duty and power of commissioners.

SEC. 19. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to appoint a commission, consisting of three persons, to inquire and report, at the earliest practicable moment, upon the subject of raising, by taxation, such revenue as may be necessary in order to supply the wants of the government, having regard to, and including, the sources from which such revenue should be drawn, and the best and most efficient mode of raising the same, and to report the form of a bill; and that such commission have power to inquire into the manner and efficiency of the present and past methods of collecting the internal revenue, and to take testimony in such manner and under such regulations as may be prescribed by the Secretary of the Treasury. And such commissioners shall receive for their services three hundred dollars a month for the time necessarily employed, and their necessary travelling expenses.

Pay.

Clerks in office of commissioner of internal revenue.

Franking privilege.

SEC. 20. *And be it further enacted*, That the Secretary of the Treasury may, at any time prior to the first day of July, eighteen hundred and sixty-six, assign to the office of the commissioner of internal revenue such number of clerks as he may deem necessary, or the exigencies of the public service may require; and the privilege of franking all letters and documents pertaining to the duties of his office, and of receiving free of postage all such letters and documents, is hereby extended to said commissioner.

APPROVED, March 3, 1865.

March 3, 1865.

Ante, p. 6.

CHAP. LXXIX. — *An Act to amend the several Acts heretofore passed to provide for the Enrolling and Calling out the National Forces, and for other Purposes.*

Officers' servants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the measure of allowance for pay for an officer's servant is the pay of a private soldier as fixed by law at the time; that no non-commissioned officer shall be detailed or employed to act as a servant, nor shall any private soldier be so detailed or employed except with his own consent; that for each soldier employed as a servant by any officer there shall be deducted from the monthly pay of such officer the full monthly pay and allowances of the soldier so employed; and that, including any soldier or soldiers so employed, no officer shall be allowed for any greater number of servants than is now provided by law, nor be allowed for any servant not actually and in fact in his employ.

Clothing for soldiers in volunteer service.

SEC. 2. *And be it further enacted*, That non-commissioned officers and privates in the volunteer service shall receive the same amount of clothing as non-commissioned officers and privates of the same arm of the regular army.

Bounty due certain soldiers, to whom payable.

1863, ch. 84. Vol. xii. p. 758.

SEC. 3. *And be it further enacted*, That if a soldier, discharged for wounds received in battle, die before receiving the bounty provided by the act of March third, eighteen hundred and sixty-three, entitled "An act to amend an act to authorize the employment of volunteers, and so forth," the bounty due shall be paid to the following persons, and in the order following, and to no other person, to wit: first, to the widow of such deceased soldier, if there be one; second, if there be no widow, then to the children of such deceased soldier, share and share alike; third, if such soldier left neither a widow, or child or children, then and in that case such bounty shall be paid to the following persons, provided they be residents of the United States, to wit: first, to his father; or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother as aforesaid, then such bounty shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid.

Persons discharged by reason of wounds, &c., to receive bounty.

SEC. 4. *And be it further enacted*, That every non-commissioned officer, private, or other person, who has been, or shall hereafter be, discharged from the army of the United States by reason of wounds received in battle, on skirmish, on picket, or in action, or in the line of duty, shall be entitled to receive the same bounty as if he had served out his full term; and all acts and parts of acts inconsistent with this are hereby repealed.

Pay and allowances of persons of color enlisted, &c.

SEC. 5. *And be it further enacted*, That all persons of color who were enlisted and mustered into the military service of the United States in South Carolina, by and under the direction of Major-General Hunter and Brigadier-General Saxton, in pursuance of the authority from the Secretary of War, dated August twenty-fifth, eighteen hundred and sixty-two, "that the persons so received into service, and their officers, to be entitled to and receive the same pay and rations as are allowed by law to other volunteers in the service;" and in every case where it shall be made to appear to the satisfaction of the Secretary of War that any regiment of colored troops has been mustered into the service of the United States, under any assurance by the President or the Secretary of War, that the non-commissioned officers and privates of such regiment should be paid the same as other troops of the same arm of the service, shall, from the date of their enlistment, receive the same pay and allowances as are allowed by law to other volunteers in the military service; and the Secretary of War shall make all necessary regulations to cause payment to be made in accordance herewith.

Six regiments of volunteer engineers.

Pay, &c.

SEC. 6. *And be it further enacted*, That the President is hereby authorized to enlist or organize, out of troops already in the service, six regiments of volunteer engineers, to be organized in accordance with existing laws, to have the same pay and allowances of engineer troops of the regular army, and to be subjected to the rules and articles of war.

Volunteer engineers.

1864, ch. 92. *Ante*, p. 80.

SEC. 7. *And be it further enacted*, That the President is hereby authorized to enlist two additional companies to be added to the regiment of volunteer engineers raised under the provisions of an act approved May twentieth, eighteen hundred and sixty-four, entitled "An act to organize a regiment of veteran volunteers," and said regiment shall be considered one of the regiments authorized in the preceding section of this act.

Reduced regular regiments.

SEC. 8. *And be it further enacted*, That whenever a regiment in the regular army is reduced below the minimum number, no officer shall be appointed in such a regiment beyond those necessary for the command of such reduced number.

Brevet officers in regular army.

SEC. 9. *And be it further enacted*, That officers by brevet in the regular army shall receive the same pay and allowance as brevet officers of the same grade or rank in the volunteer service, and no more.

Double rations allowed only to what officers.

1842, ch. 186, § 6. Vol. v. p. 513.

SEC. 10. *And be it further enacted*, That the true construction of the sixth section of the "act respecting the organization of the army, and for other purposes," approved August twenty-third, eighteen hundred and forty-two, and of all laws relating in any way to the allowance of double rations to officers, authorizes such allowance to the following officers, and to no others whatever: to the general-in-chief commanding the armies of the United States; to each general officer commanding in chief a separate army actually in the field; to each general officer commanding a geographical division embracing one or more military departments; and to each officer commanding a military geographical department; and that any general order or regulation or usage allowing double rations to a chief of staff or any other officer than those above mentioned is illegal and void.

Bounty to widow, &c., of volunteers killed in battle.

SEC. 11. *And be it further enacted*, That the bounty of one hundred dollars, provided by present laws to be paid to the heirs of volunteers killed in battle, shall be extended to the widow if living, or if she be dead to the children of any volunteer who shall have been or may be killed in the service, whether he shall have enlisted for two years or for a less period of time.

Officers dismissed may apply for a trial.

SEC. 12. *And be it further enacted*, That in case any officer of the military or naval service who may be hereafter dismissed by authority of the President shall make an application in writing for a trial, setting forth under oath that he has been wrongfully and unjustly dismissed, the President shall, as soon as the necessities of the public service may permit, convene a court-martial to try such officer on the charges on which he was dismissed. And if such court-martial shall not award dismissal or death as the punishment of such officer, the order of dismissal shall be void. And if the court-martial aforesaid shall not be convened for the trial of such officer within six months from the presentation of his application for trial, the sentence of dismissal shall be void.

When order of dismissal void.

Revised enrolment.

SEC. 13. *And be it further enacted*, That where any revised enrol*l*ment in any congressional or draft district has been obtained or made prior to any actual drawing of names from the enrol*l*ment lists, the quota of such district may be adjusted and apportioned to such revised enrol*l*ment instead of being applied to or based upon the enrol*l*ment as it may have stood before the revision.

Adjustment of quota.

Persons mustered into service, where to be credited.

SEC. 14. *And be it further enacted*, That hereafter all persons mustered in[to] the military or naval service, whether as volunteers, substitutes, representatives, or otherwise, shall be credited to the state and to the ward, township, precinct, or other enrolment sub-district where such persons belong by actual residence, (if such persons have an actual residence within the United States,) and where such persons were or shall be enrolled, (if liable to enrolment;) and it is hereby made the duty of the provost-marshal general to make such rules and give such instructions to the several provost-marshals, boards of enrolment, and mustering officers as shall be necessary for the faithful enforcement of the provisions of this section, to the end that fair and just credit shall be given to every section of the country: *Provided*, That in any call for troops hereafter no county, town, township, ward, precinct, or election district shall have credit except for men actually furnished on said call or the preceding call by said county, town, township, ward, precinct, or election district, and mustered into the military or naval service on the quota thereof.

Rules and instructions.

Credits on future calls.

Credits in computing quotas.

SEC. 15. *And be it further enacted*, That in computing quotas hereafter, credit shall be given to the several states, districts, and sub-districts for all men furnished from them, respectively, and not heretofore credited, during the present rebellion, for any period of service of not less than three months, calculating the number of days for which such service was furnished, and reducing the same to years: *Provided*, That such credits shall not be applied to the call for additional troops made by the President on the twenty-first day of December, eighteen hundred and sixty-four.

Proviso.

Drafted persons furnishing substitutes, to be exempt, &c.

SEC. 16. *And be it further enacted*, That persons who have been, or may hereafter be, drafted, under the provisions of the several acts to which this is an amendment, for the term of one year, and who have actually furnished, or may actually furnish, acceptable substitutes (not liable to draft) for the term of three years, shall be exempt from military duty during the time for which such substitutes shall not be liable to draft, not exceeding the time for which such substitutes shall have been mustered into the service, anything in the act of February twenty-fourth, eighteen hundred and sixty-four, to the contrary notwithstanding.

1864, ch. 13. *Ante*, p. 6.

Penalty for enlisting insane persons, convicts, minors, &c.

SEC. 17. *And be it further enacted*, That any recruiting agent, substitute broker, or other person who, for pay or profit, shall enlist, or cause to be enlisted, as a volunteer or substitute, any insane person, or convict, or person under indictment for a felony, or who is held to bail to answer for a felony, or person in a condition of intoxication, or a deserter from the military or naval service, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him, in either case before

Penalty for depriving soldier of bounty.

mentioned, to be such, or who shall defraud or illegally deprive any volunteer or substitute of any portion of the State, local, or United States bounty, to which he may be entitled, shall, upon conviction in any court of competent jurisdiction, be fined not exceeding one thousand dollars, nor less than two hundred dollars, or imprisoned not exceeding two years and not less than three months, or both, in the discretion of the court aforesaid.

Penalty for mustering deserters, &c., into service.

SEC. 18. *And be it further enacted*, That any officer who shall muster into the military or naval service of the United States any deserter from said service, or insane person, or person in a condition of intoxication, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him to be such, shall, upon conviction by any court-martial, be dishonorably dismissed the service of the United States.

Proceedings where improper persons have been furnished as substitutes.

SEC. 19. *And be it further enacted*, That in every case where a substitute is furnished to take the place of an enrolled or drafted man, and it is shown by evidence that shall be satisfactory to the Secretary of War that such substitute was, at the time of his enlistment, known by the party furnishing him to be non compos mentis, or in a condition of intoxication, or under conviction or indictment for any offence of the grade of felony at the common law, or to have been guilty of a previous act of desertion unsatisfied by pardon or punishment, or by reason of any existing infirmity or ailment, physically incapable of performing the ordinary duties of a soldier in actual service in the ranks, or minor between the ages of sixteen and eighteen years, without the consent of his parent or guardian, or a minor under the age of sixteen years, it shall be the duty of the provost-marshal general, on advice of the fact, to report the same to the provost-marshal of the proper district; and if such person so enlisted and incapable shall have been, since the passage of this act, mustered into the service as a substitute for a person liable to draft and not actually drafted, the name of the person so liable who furnished such substitute shall be again placed on the list, and he shall be subject to draft thereafter as though no such substitute had been furnished by him; and if such substitute so enlisted and incapable as aforesaid shall have been, since the passage of this act, mustered into the service as a substitute for a person actually drafted, then it shall be the duty of the provost-marshal general to direct the provost-marshal of the district immediately to notify the person who furnished such substitute that he is held to service in the place of such substitute, and he shall stand in the same relation and be subject to the same liability as before the furnishing of such substitute.

Substitute deserting, principal to take the place, if, &c.

SEC. 20. *And be it further enacted*, That in case any substitute shall desert from the army, and it shall appear by evidence satisfactory to the Secretary of War that the party furnishing such substitute shall have, in any way, directly or indirectly, aided or abetted such desertion, or to have been privy to any intention on the part of such substitute to desert, then such person shall be immediately placed in the army, and shall serve for the period for which he was liable to draft, such service to commence at the date of the desertion of the substitute.

Penalty for desertion, &c.

SEC. 21. *And be it further enacted*, That, in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service, or report themselves to a provost-marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished

Rights as citizens forfeited.

and forfeited their rights of citizenship and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the juris-

diction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days as aforesaid that they shall be pardoned on condition of returning to their regiments and companies or to such other organizations as they may be assigned to, until they shall have served for a period of time equal to their original term of enlistment.

Leaving the country to avoid draft to incur like penalty.

President to proclaim this law.

SEC. [22.] *And be it further enacted*, That the third section of the act entitled "An act [further] to regulate and provide for the enrolling and calling out the national forces, and for other purposes," approved July fourth, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

Permission to recruit in states in rebellion repealed.

1864, ch. 237, § 3.

Ante, p. 379.

SEC. [23.] *And be it further enacted*, That any person or persons enrolled in any sub-district may, after notice of a draft, and before the same shall have taken place, cause to be mustered into the service of the United States such number of recruits, not subject to draft, as they may deem expedient, which recruits shall stand to the credit of the persons thus causing them to be mustered in, and shall be taken as substitutes for such persons, or so many of them as may be drafted, to the extent of the number of such recruits, and in the order designated by the principals, at the time such recruits are thus as aforesaid mustered in.

Enrolled persons may cause recruits to be mustered into service, when, &c.

SEC. [24.] *And be it further enacted*, That section fifteen of the act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act for enrolling and calling out the national forces, and for other purposes," be, and the same is hereby, amended by inserting after the words "any civil magistrate," the words "or any person authorized by law to administer oaths."

Penalty for false swearing before board of enrolment.

1864, ch. 13, § 15.

Ante, p. 9.

SEC. [25.] *And be it further enacted*, That the Secretary of War is hereby authorized to detail one or more of the employees of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp, and garrison equipage, quartermaster's stores, and ordnance, which oaths shall be administered without expense to the parties taking them, and shall be as binding upon the persons taking the same, and if falsely taken, shall subject them to the same penalties, as if the same were administered by a magistrate or justice of the peace.

Officer to administer oaths.

SEC. [26.] *And be it further enacted*, That acting assistant surgeons, contract surgeons, and surgeons and commissioners on the enrolling boards, while in the military service of the United States, shall hereafter be exempt from all liability to be drafted under the provisions of any act for enrolling and calling out the national forces.

Certain acting assistant surgeons, &c., not liable to draft.

SEC. [27.] *And be it further enacted*, That this act shall take effect from and after its passage: *Provided*, That nothing herein contained shall operate to postpone the pending draft, or interfere with the quotas assigned therefor.

When act takes effect.

APPROVED, March 3, 1865.

CHAP. LXXX. — *An Act amendatory of certain Acts imposing Duties upon foreign Importations.*

March 3, 1865.

1864, ch. 171, § 6.

Ante, p. 208.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act entitled "An act to increase the duties on imports, and for other purposes," approved June thirty, eighteen hundred and sixty-four, be amended, so that paragraphs second, third, and fourth, of section six of said act, shall read as follows:

Amendments.

Second. 'On all manufactures of cotton (except jeans, denims, drillings,

Manufactures of cotton.

bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, and goods of like description) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and, in addition thereto, ten per centum ad valorem. On finer and lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem. On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

Cotton jeans, denims, &c.

Third. On all cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and, in addition thereto, ten per centum ad valorem. On finer or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem. On goods of lighter description, exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem: *Provided*, That upon all plain woven cotton goods, not included in the foregoing schedule, unbleached, valued at over sixteen cents per square yard, bleached, valued at over twenty cents per square yard, colored, valued at over twenty-five cents per square yard, and cotton jeans, denims and drillings, unbleached, valued at over twenty cents per square yard, and all other cotton goods of every description, the value of which shall exceed twenty-five cents per square yard, there shall be levied, collected, and paid a duty of thirty-five per centum ad valorem: *And provided further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

Proviso.

Proviso.

Spool thread of cotton, &c.

Fourth. On spool thread of cotton, six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and, in addition thereto, thirty per centum ad valorem; exceeding one hundred yards, for every additional hundred yards of thread on each spool or fractional part thereof, in excess of one hundred yards, six cents per dozen, and thirty-five per centum ad valorem. On cotton thread or yarn when advanced beyond single yarn, by twisting two or more strands together, if not wound upon spools, four (4) cents per skein or hank of eight hundred and forty (840) yards, and thirty per cent. ad valorem.

Additional duty on brandy, rum, &c.

SEC. 2. *And be it further enacted*, That from and after the day when this act takes effect, in addition to the duties heretofore imposed by law on the importation of the articles mentioned in this section, there shall be levied, collected, and paid the following duties and rates of duty, that is to say: On brandy, rum, gin, and whiskey, and on cordials, *liquors*, [li-

queurs,] arrack, absynthe, and all other spirituous liquors and spirituous beverages, fifty cents per gallon, of first proof and less strength, and shall be increased in proportion for any greater strength *that* [than] the strength of first proof. On spun silk for filling in skins or cops, ten per centum ad valorem. On iron bars for railroads or inclined planes, ten cents per one hundred pounds. On wrought-iron tubes, one cent per pound.

Spun silk.

Railroad iron, &c.

SEC. 3. *And be it further enacted*, That from and after this act takes effect, in lieu of the duties heretofore imposed by law on the importation of the articles mentioned in this section, there shall be levied, collected, and paid the following duties and rates of duty, that is to say: On cotton, five cents per pound. On illuminating oil and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum, or rock-oil, or other bituminous substances used for like purposes, forty cents per gallon. On crude petroleum, or rock-oil, twenty cents per gallon; on crude coal-oil, fifteen cents per gallon. On tobacco stems, fifteen cents per pound. On ready-made clothing of silk, or of which silk shall be a component material of chief value, sixty per centum ad valorem. On quicksilver, fifteen per centum ad valorem.

Duty on cotton.

Illuminating oil, &c.

Ante, p. 213.

Petroleum.

Tobacco stems.

Clothing of silk.

Quicksilver.

SEC. 4. *And be it further enacted*, That section fifteen of an act entitled "An act increasing temporarily the duties on imports, and for other purposes," approved July fourteen, eighteen hundred and sixty-two, be, and the same hereby is, amended so as to impose a tax or tonnage duty of thirty cents per ton, in lieu of "ten cents," as therein mentioned: *Provided*, That the receipts of vessels paying tonnage duty shall not be subject to the tax provided in section one hundred and three of "An act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, nor by any act amendatory thereof: *Provided further*, That no ship, vessel, or steamer, having a license to trade between different districts of the United States, or to carry on the bank, whale, or other fisheries, *or on* [nor] any ship, vessel, or steamer to or from any port or place in Mexico, the British provinces of North America, or any of the West India islands, or in all these trades, shall be required to pay the tonnage duty, contemplated by this act, more than once a year.

Tonnage duty.

1862, ch. 161, § 15. Vol. xii. p. 558.

Proviso.

1864, ch. 172, § 103. *Ante*, p. 275.

Proviso.

SEC. 5. *And be it further enacted*, That the term "statuary," as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Statuary.

SEC. 6. *And be it further enacted*, That there shall be hereafter collected and paid on all goods, wares, and merchandise of the growth or produce of countries [east] of the Cape of Good Hope, (except raw cotton and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem, in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production.

Ten per cent. additional on products east of Cape of Good Hope imported, &c.

Ante, p. 216.

SEC. 7. *And be it further enacted*, That in all cases where there is or shall be imposed any ad valorem rate of duty on any goods, wares, or merchandise imported into the United States, and in all cases where the duty imposed by law shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such goods, wares, or merchandise, it shall be the duty of the collector, within whose district the same shall be imported or entered, to cause the actual market value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same shall have been imported into the United States, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed. That it shall be lawful for the owner, consignee, or agent of any goods, wares, or merchandise, which

Assessment of ad valorem duties.

Additions to invoice value.

shall have been actually purchased, or procured otherwise than by purchase, at the time, and not afterwards, when he shall produce his original invoice, or invoices, to the collector and make and verify his written entry of his goods, wares, or merchandise, as provided by section thirty-six of the act of March two, seventeen hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage," to make such addition in the entry to the cost or value given in the invoice as in his opinion may raise the same to the actual market value or wholesale price of such goods, wares, or merchandise, at the period of exportation to the United States, in the principal markets of the country from which the same shall have been imported; and it shall be the duty of the collector, within whose district the same may be imported or entered, to cause such actual market value or wholesale price to be appraised in accordance with the provisions of existing laws, and if such appraised value shall exceed by ten per centum or more the value so declared in the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid a duty of twenty per centum ad valorem on such appraised value: *Provided*, That the duty shall not be assessed upon an amount less than the invoice or entered value, any act of congress to the contrary notwithstanding: *And provided further*, That the sections twenty-third and twenty-fourth of the act approved June thirtieth, eighteen hundred and sixty-four, entitled "An act to increase duties on imports, and for other purposes," and all acts and parts of acts requiring duties to be assessed upon commissions, brokerage, costs of transportation, shipment, transhipment, and other like costs and charges incurred in placing any goods, wares, or merchandise on shipboard, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

1799, ch. 22, § 36. Vol. i. p. 655.

Actual market value to be appraised.

Penalty for undervaluation.

Proviso.

Repeal of 1864, ch. 171, §§ 23, 24. *Ante*, pp. 216, 217.

Guano, export of. 1856, ch. 164. Vol. xi. p. 119.

SEC. 8. *And be it further enacted*, That so much of an act entitled "An act to authorize protection to be given to citizens of the United States who may discover deposits of guano," approved August eighteen, eighteen hundred and fifty-six, as prohibits the export thereof, is hereby suspended in relation to all persons who have complied with the provisions of section second of said act for two years from and after July fourteenth, eighteen hundred and sixty-five.

When act takes effect.

SEC. 9. *And be it further enacted*, That this act shall take effect on and after the first day [of] April, eighteen hundred and sixty-five.

Act of 1799, §§ 39–44 revived. Vol. i. p. 659.

SEC. 10. *And be it further enacted*, That so much of sections thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four of the act entitled "An act to regulate the [collection of] duties on imports and tonnage," approved March second, seventeen hundred and ninety-nine, as requires the branding or marking and certifying of casks, chests, vessels, and cases containing distilled spirits, or teas, be and the same is hereby revived, to be executed under such rules and regulations as shall be prescribed by the Secretary of the Treasury.

Flax, &c., machinery. *Ante*, p. 216.

SEC. 11. *And be it further enacted*, That flax and hemp machinery and steam agricultural machinery, as designated in section 21 [twenty-one] of the act "to increase duties on imports, and for other purposes," approved June thirtieth, eighteen hundred and sixty-four, may be imported free from duty for one year from the passage of this act.

Judgment for duties, &c., to be collected in coin.

SEC. 12. *And be it further enacted*, That in all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the non-payment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution.

SEC. 13. *And be it further enacted*, That the eighth section of the act of March twenty-*third*, [eight] eighteen hundred and fifty-four, "to extend the warehousing system by establishing private bonded warehouses, and for other purposes," which authorized the Secretary of the Treasury, in case of the actual injury or destruction of goods, wares, or merchandise by accidental fire or other casualty, while in warehouse under bond, &c., to abate or refund the duties paid or accruing thereon, be extended so as to include goods, wares, or merchandise injured or destroyed in like manner while in the custody of the officers of the customs, and not in bond, and also to goods, wares, and merchandise so injured or destroyed after their arrival within the limits of any port of entry of the United States, and before the same have been *bonded* [landed] under the *suspension* [supervision] of the officers of the customs: *Provided*, That this act shall apply only to cases arising from and after its passage, and to cases where the duties have not already been paid.

Duties upon certain goods destroyed by casualty to be abated.
1854, ch. 30, § 8. Vol. x. p. 273.
Proviso.

APPROVED, March 3, 1865.

CHAP. LXXXI. — *An Act making Appropriations for the Support of the Army for the Year ending thirtieth June, eighteen hundred and sixty-six.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-six:

Army appropriations.

For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

Recruiting, &c.

For bounties and premiums for the enlistment of recruits for the regular army, three hundred and fifty thousand dollars.

Bounties, &c.

For pay of the army, ten million dollars.

Pay.

For commutation of officers' subsistence, one million seven hundred and *and* forty-seven thousand three hundred and twenty-four dollars.

Commutation.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

For payments in lieu of clothing for officers' servants, eighty-two thousand seven hundred and sixty dollars.

Pay in lieu of clothing.

For payments to discharged soldiers for clothing not drawn, one hundred and fifty thousand dollars.

For pay of volunteers, two hundred million dollars.

Pay of volunteers.

For subsistence in kind for regulars, volunteers, and drafted men, ninety-two million seven hundred and eighty-two thousand and forty-three dollars and seventy cents.

Subsistence in kind.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen for the quartermaster's department, at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments; and for the printing of division and department orders and reports, fifty million dollars.

Quartermaster's department.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packages received and sent by officers of the army on public service; expenses of courts-martial, military commissions, and courts of inquiry, including the additional compensation of judge-advocates, recorders, members, and witnesses, while on that service;

Incidental expenses of quartermaster's department.

1802, ch. 9, §§ 21, 22. Vol. ii. p. 136.
1819, ch. 45. Vol. iii. p. 488.
1854, ch. 247, § 6. Vol. x. p. 576.
1838, ch. 162, § 10. Vol. v. p. 257.

under the act of March sixteenth, eighteen hundred and two, extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at other posts and places when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the army; compensation of clerks to officers of the quartermaster's department; compensation of forage and wagon masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of travelling forges, blacksmiths' and shoeing tools, horses and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other department, ten million dollars.

Cavalry, &c., horses.

For the purchase of cavalry and artillery horses, twenty-one million dollars.

Officers' baggage.

For transportation of officers' baggage, five hundred thousand dollars.

Transportation.

For transportation of the army, including the baggage of the troops when moving, either by land or water; of clothing, camp, and garrison equipage, from the depots at Philadelphia, Cincinnati, and New York to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, or ordnance stores, and small arms, from founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, thirty million dollars.

Quarters.

For the hire or commutation of quarters for officers on military duty; hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments; for the construction of temporary huts, hospitals, and stables, and for repairing public buildings at established posts, five million dollars.

Stoves.

For heating and cooking stoves, one hundred thousand dollars.

Telegraph.

For constructing and extending the telegraph for military purposes, and for expenses in operating the same, five hundred thousand dollars.

Prisoners of war.

For supplies, transportation, and care of prisoners of war, one million dollars.

For clothing for the army, camp and garrison equipage, and for expenses of offices and arsenals, fifty million dollars. Clothing and camp equipage.

For contingencies of the army, four hundred thousand dollars. Contingencies.

For the medical and hospital department, six million dollars. Medical, &c., department.

For expenses of the commanding general's office, ten thousand dollars. Commanding general's office.

For the secret service, one hundred thousand dollars. Secret service.

For armament of fortifications, three million five hundred thousand dollars. Armament of fortifications.

For the current expenses of the ordnance service, one million two hundred and fifty thousand dollars. Ordnance service.

For ordnance, ordnance stores, and supplies, including horses, and the purchase and manufacture of army accoutrements and horse equipments for volunteers and regulars, twenty million dollars. Ordnance, stores, &c.

For the manufacture of arms at the national armory, three million five hundred thousand dollars. Manufacture of arms.

For repairs, improvements, and new machinery at the national armory, one hundred thousand dollars. Repairs, &c., at armory.

For the purchase of gunpowder and lead, two million five hundred thousand dollars. Gunpowder and lead.

For repairs and improvements at arsenals, including new and additions to present buildings, and machinery, tools, and fixtures, five hundred thousand dollars. Arsenals.

For signal service of the army, one hundred thousand dollars. Signal service.

For salaries of two clerks in the signal office, two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That to supply a deficiency in the appropriations for the current fiscal year, for ordnance, ordnance stores, and supplies, including the purchase and manufacture of arms, accoutrements, and horse equipments for volunteers and regulars, the sum of seven millions of dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated. Deficiency for 1865, for ordnance, &c.

SEC. 3. *And be it further enacted*, That from and after the first day of March, eighteen hundred and sixty-five, and during the continuance of the present rebellion, the commutation price of officers' subsistence shall be fifty cents per ration: *Provided*, That said increase shall not apply to the commutation price of the rations of any officer above the rank of brevet brigadier-general, or of any officer entitled to commutation for fuel or quarters. Commutation of officers' subsistence. Proviso.

SEC. 4. *And be it further enacted*, That all officers of volunteers now in commission, below the rank of brigadier-general, who shall continue in the military service to the close of the war, shall be entitled to receive, upon being mustered out of said service, three months' pay proper. Certain officers of volunteers to have three months' pay when mustered out of service.

SEC. 5. *And be it further enacted*, That commissioned officers of the army, serving in the field, shall hereafter be permitted to purchase rations for their own use, on credit, from any commissary of subsistence, at cost prices, and the amount due for rations so purchased shall be reported monthly to the paymaster-general, to be deducted from the payment next following such purchase. And the Secretary of War is hereby directed to issue such orders and regulations as he may deem best calculated to insure the proper observance hereof. Officers in the field may buy rations on credit, &c.

SEC. 6. *And be it further enacted*, That the Secretary of War is hereby authorized and directed to cause tobacco to be furnished to the enlisted men of the army at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month, and the amount due therefor shall be deducted from their pay in the same manner as at present provided for the settlement of clothing accounts. Tobacco for enlisted men at cost prices.

SEC. 7. *And be it further enacted*, That, in addition to the amount here- Additional ap-

propriation for pay of army.

inbefore appropriated for the pay of the army, the sum of thirty-six millions of dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1865.

March 3, 1865.

1864, ch. 106, § 21. *Ante*, p. 105.

Chap. LXXXII. — *An Act to amend an Act entitled "An Act to provide a National Currency, secured by a Pledge of United States Bonds, and to provide for the Circulation and Redemption thereof."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one of said act be so amended that said section shall read as follows:

Banking associations after transfer, &c., of bonds, may receive circulating notes.

Sec. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the comptroller of the currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and the amount of said circulating notes to be furnished to each association shall be in proportion to its paid-up capital as follows, and no more: To each association whose capital shall not exceed five hundred thousand dollars, ninety per centum of such capital; to each association whose capital exceeds five hundred thousand dollars, but does not exceed one million dollars, eighty per centum of such capital; to each association whose capital exceeds one million dollars, but does not exceed three millions of dollars, seventy-five per centum of such capital; to each association whose capital exceeds three millions of dollars, sixty per cent. of such capital. And that one hundred and fifty millions of dollars of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the states, in the District of Columbia, and in the territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several states, in the District of Columbia, and in the territories, having due regard to the existing banking capital, resources, and business of such states, district, and territories.

Limit of amount of notes to be received.

Apportionment of authorized circulation.

Approved, March 3, 1865.

March 3, 1865.

Chap. LXXXIII. — *An Act to prevent the Enlistment of Persons charged with Crime in the District of Columbia, as Substitute* [s] *or as Volunteers in the Army or Navy, and to prevent Frauds at the District Jail, in the City of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, it shall be unlawful for any person, with knowledge of the fact, to present or offer to any recruiting agent or officer, or any muster-in officer in the United States military or naval service, either as a volunteer or as a substitute for any person, any person charged with the commission of any criminal offence, and confined or held on bail for the trial of such offence, within the District of Columbia; and it shall in like manner be unlawful for any person, in any way or manner, to abet, aid, or assist in procuring the offer or acceptance of any person so charged or held for trial, or released on bail and awaiting trial, either as a volunteer or as a substitute for any person drafted or liable to draft in the military or naval service of the United States, whether the person so drafted or liable to draft shall be a resident of the District of Columbia, or shall reside elsewhere. And any person who shall knowingly offend against the provisions of this section, or either of such provisions, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, before a court of

Persons charged with crime in the District of Columbia not to be offered as volunteers or substitutes.

Punishment of principals and accessories.

competent jurisdiction in said district, be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the district prison for a term not less than six months nor more than one year.

Officers, or employees at the jail taking fees for information respecting prisoners with intent, &c., how punished.

SEC. 2. *And be it further enacted*, That any officer of the district jail of the District of Columbia, or any guard thereof, or any attaché or employee connected with said jail, who shall demand or directly or indirectly receive, any compensation, fee, reward, or gratuity for any information given in respect to any prisoner confined therein, or awaiting trial upon bail, or for any service, assistance, or influence rendered, given, or exerted, with any view, intent, or purpose of having such person thus charged or held for trial, or held *in* [on] bail to await trial, taken, offered, or used either as a volunteer or as a substitute for any other in the military or naval service, or who shall corruptly receive, for any act done by virtue of his office or employment, any fee, compensation, reward, or gratuity, shall be deemed guilty of a *misdeanor* [misdemeanor] [and] shall on conviction thereof in any district court of competent jurisdiction, be punished by a fine of not less than two hundred and fifty dollars, and not more than one thousand dollars, and by imprisonment in the district prison for a term not less than three months nor more than one year.

APPROVED, March 3, 1865.

CHAP. LXXXIV. — *An Act supplementary to the several Acts relating to Pensions.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no invalid pensioner now or hereafter in the service of the United States shall be entitled to draw a pension for any period of time during which he is or shall be entitled to the full pay or salary which an able-bodied person discharging like duties to the government is allowed by law.

Invalid pensioners not to draw pensions while receiving full salary, &c.

Acting assistant, &c, surgeons, if disabled, &c., entitled to pensions.

SEC. 2. *And be it further enacted*, That acting assistant or contract surgeons disabled by any wound received or disease contracted while actually performing the duties of assistant surgeons or acting assistant surgeons, with any military forces in the field or in transitu, shall be entitled to the benefits of the pension laws in the same manner as if they had actually been mustered into the service with the rank of "assistant surgeon," and the widows, minor children, or the dependents of acting assistant surgeons dying while performing the duty aforesaid, shall in like manner be entitled to the same benefits of the pension laws as if the deceased had been actually mustered into the service as assistant surgeons.

Persons losing foot and hand to have $20 a month.

SEC. 3. *And be it further enacted*, That all persons now by law entitled to a less pension than hereafter specified who shall have lost one foot and one hand in the military service of the United States, and in the line of *his* [their] duty, shall be entitled to twenty dollars per month.

Widow or children of certain officers, &c., to receive pension, &c.

1862, ch. 166, § 1. Vol. xii. p. 566.

SEC. 4. *And be it further enacted*, That if any officer or other person named in the first section of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or if there be no widow, or in case of her death or marriage, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to under said act, had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer: *Provided*, That when such pension has been, or shall hereafter be, paid to the widow, such child or children shall only be en-

Proviso.

Farther proviso.

titled to receive the pension, to commence from the death or marriage of such widow and [to] continue as aforesaid: *Provided, further*, That nothing herein contained shall be construed to repeal or modify the tenth section of an act entitled "An act supplementary to 'An act to grant pensions,' approved July fourteenth, eighteen hundred and sixty-two," approved July fourth, eighteen hundred and sixty-four, and said section is hereby declared to be in full force and effect in all cases arising under this act to which said section is applicable, saving and excepting such cases as are embraced in the preceding proviso.

1864, ch. 247, § 10. *Ante*, p. 388.

Approved, March 3, 1865.

March 3, 1865.

Chap. LXXXV. — *An Act to provide for a Chief of Staff to the Lieutenant-General commanding the Armies of the United States.*

Chief of staff to lieutenant-general.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may, by and with the advice and consent of the Senate, appoint a chief of staff to the lieutenant-general commanding the armies of the United States, who shall have the rank, pay, and allowances of a brigadier-general in the United States army.

Rank, pay, &c.

Approved, March 3, 1865.

March 3, 1865.

Chap. LXXXVI. — *An Act regulating Proceedings in criminal Cases, and for other Purposes.*

Grand juries in district or circuit courts to consist of how many members.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every grand jury impanelled before any district or circuit court of the United States to inquire into and presentment make of public offences against the United States, committed or triable within the district for which the court is holden, shall consist of not less than sixteen and not exceeding twenty-three persons.

If insufficient number attends.

If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the bystanders, a sufficient number of persons to complete the grand jury.

Challenges.

And whenever a challenge to an individual grand juror is allowed, and there are not other jurors in attendance sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose. No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Twelve must vote for bill.

Foreman may swear witnesses.

Challenges, number of;

Sec. 2. *And be it further enacted*, That when the offence charged be treason or a capital offence, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On a trial for any other offence in which the right of peremptory challenge now exists, the defendant shall be entitled to ten and the United States to two peremptory challenges. All challenges, whether to the array or panel or to individual jurors for cause or favor, shall be tried by the court without the aid of triers.

to be tried by the court

Sentences for more than a year, where to be executed.

Sec. 3. *And be it further enacted*, That in every case where any person convicted of any offence against the United States shall be sentenced to imprisonment for a period longer than one year, it shall be lawful for the court by which the sentence is passed to order the same to be executed in any state prison or penitentiary within the district or state where such court is held, the use of which prison or penitentiary is allowed by the legislature of such state for such purposes; and the expenses attendant upon the execution of such sentence shall be paid by the United States.

Expenses.

SEC. 4. *And be it further enacted*, That issues of fact in civil cases in any circuit court of the United States may be tried and determined by the court without the intervention of a jury, whenever the parties, or their attorneys of record, file a stipulation in writing with the clerk of the court waiving a jury. The finding of the court upon the facts, which finding may be either general or special, shall have the same effect as the verdict of a jury. The rulings of the court in the *court* [cause] in the progress of the trial, when excepted to at the time, may be reviewed by the supreme court of the United States upon a writ of error, or upon appeal, provided the rulings be duly presented by a bill of exceptions. When the finding is special, the review may also extend to the determination of the sufficiency of the facts found to support the judgment.

Issues of fact in civil cases may be tried by court, if, &c.

Effect of finding.

Exceptions to rulings.

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

Repealing clause.

SEC. 6. *And be it further enacted*, That this act shall take effect on the first day of June, one thousand eight hundred and sixty-five.

When act takes effect.

APPROVED, March 3, 1865.

March 3, 1865.

1862, ch. 98. Vol. xii. p. 422

CHAP. LXXXVII. — *An Act further to amend an Act entitled "An Act for the Collection of direct Taxes in the insurrectionary Districts within the United States, and for other Purposes," approved June seven, eighteen hundred and sixty-two.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which a sale of lands or tenements has been or shall be made by a board of tax commissioners, appointed pursuant to the act of which this is an amendment, and a certificate of sale issued by the board to the purchaser or purchasers of said lands or tenements, it shall and may be lawful for the tax commissioners to issue, in such form as the Secretary of the Treasury shall prescribe, a writ, directed to the marshal of the district in which said lands or tenements are situated, commanding him to put the said purchaser or purchasers forthwith into possession of the said lands or tenements, and to make return of his proceedings under the said writ within thirty days to the commissioners, who shall keep a record of their proceedings in the matter, and who may, in case of any failure on the part of the said marshal to execute the first writ, issue alias and pluries writs, as the circum[stances] may to [them] seem to require. In case the marshal of the district shall be unable, either by himself or by deputy, to execute such writ, or in case there shall be no marshal of the United States within the said district at the time of the issuing of said writ, the same may be executed and returned by any fit person, to be specially appointed by the said board of tax commissioners for the purpose, which appointment shall be in writing and indorsed in the said writ: *Provided*, That where the lands or tenements so sold shall, at the time of such sale, be occupied by the United States authorities for hospital or other purposes, the issuing of such writ shall be suspended during such occupancy, and the purchaser or purchasers of such lands or tenements shall be entitled to and receive such rent or compensation for the use of such lands or tenements as the Secretary of the Treasury, under regulations prescribed by him, shall order or direct.

Tax commissioners, after sale of lands, &c., and certificate, may issue writ to put purchaser in possession.

Return.

Alias and pluries writs.

If marshal is unable to execute writ, who may do so.

Issuing of writ to be suspended if lands are occupied by the United States.

Purchasers to receive rent.

SEC. 2. *And be it further enacted*, That after the time allowed for the redemption of any lands or tenements which have been or shall be sold by a board of tax commissioners shall have passed, and after the purchase-money shall have been fully paid, the President is authorized and required to cause a patent or patents to be issued to any such person as may be the bona fide purchaser, owner, assignee, or transferee of such lands or tenements under and by virtue of any certificates of sale, or under and by virtue of any assignment or transfer of such certificate: *Provided*, That in case of an assignment or transfer of a certificate of sale, the person applying for such patent shall give satisfactory proof to the commissioner of the general land-office of the preceding transfers or assignments.

Patents when to issue for the lands purchased.

Proviso.

Majority of board of tax commissioners may act.

SEC. 3. *And be it further enacted*, That a majority of a board of tax commissioners shall have full authority to transact all business and to perform all duties required by law to be performed by such board, and no proceeding of any board of tax commissioners shall be void or invalid in consequence of the absence of any one of said commissioners.

Lien creditors, if loyal, &c., may be paid from proceeds of sale, if, &c.

SEC. 4. *And be it further enacted*, That any lien creditor (being a loyal citizen of the United States from the commencement of this rebellion, or alien subject of a friendly nation who shall not have taken part against the United States in this rebellion) of a person whose lands or tenements shall have been sold by a board of tax commissioners and not redeemed, shall, after the period of redemption has elapsed, be entitled to payment out of the balance of the proceeds of sale of such lands and tenements, after the same shall have been paid into the treasury of the United States, of the amount of his lien, if a sufficient sum shall be left for such purpose, after the payment of all claims of the United States, together with the costs and expenses of sale, and the payment of all prior liens, under such rules and regulations, and after exhibiting such proof of his right, as the Secretary of the Treasury shall prescribe.

Tax commissioners to file transcript of their proceedings, &c., with treasury department.

Copies may be used in evidence.

SEC. 5. *And be it further enacted*, That each board of tax commissioners shall file in the department of the treasury a transcript of its proceedings from time to time as the said proceedings shall occur, and duplicates of all orders, resolutions, documents and papers, drafts, plats, and maps of surveys, made or issued by them, and as often and under such regulations as the Secretary of the Treasury shall prescribe; and copies of any such orders, resolutions, documents, papers, or proceedings, duly certified to be full and correct copies, under the hand of the said Secretary or of the officer having custody of the said transcripts and duplicates, under the seal of the treasury, shall be evidence with the same effect as the originals.

Expenses of board, how paid.

Proviso.

SEC. 6. *And be it further enacted*, That the expenses caused by or incident to the proceedings of any board of tax commissioners shall be paid by the commissioners out of the proceeds of the sales which have been or shall be made by them of any lands or tenements: *Provided, however*, That the bills of such expenses shall be first submitted to and approved by the Secretary of the Treasury.

Principal and interest of purchase-money to be repaid, if land is redeemed.

SEC. 7. *And be it further enacted*, That in any case in which lands shall be redeemed after sale made by the board of commissioners, and after the money received by them on the sale of such lands has been paid into the treasury, by the owner complying with all the provisions of the law relating to redemption necessary to be complied with on his part, the said board shall certify to the Secretary of the Treasury the fact that such lands have been redeemed, the amount of the purchase-money paid by the purchaser, and when the said purchase-money was paid, together with such other circumstances as the Secretary, by general regulation or special instructions shall require, and the Secretary, on being satisfied that the lands have been duly redeemed, shall repay, by draft drawn on the treasury of the United States, the said purchaser the principal and interest of the said purchase-money; and the purchaser shall forthwith deliver possession to the owner so redeeming as aforesaid: *Provided, however*, That no owner shall be entitled to redeem unless, in addition to the oath prescribed by existing laws, he shall swear that he has not taken part with the insurgents in the present rebellion, or in any way given them aid or comfort, and shall satisfy the board of commissioners that the said oath is true: *Provided, also*, That a tenant, at suff[e]rance or at will, shall not be allowed to redeem, nor shall a tenant for years be allowed to redeem, unless he shall satisfy the board of commissioners, in addition to the other requirements of the law, that the owner of the reversionary estate has been loyal and not in any manner engaged in this rebellion, nor in giving aid or comfort to rebels.

Purchaser to put the owner in possession.

Owner not to be put in possession unless he makes oath, &c.

Proviso.

Tenants at will or by sufferance.

Preëmption rights.

SEC. 8. *And be it further enacted*, That when lands, tenements, parcels, or lots of land, which have been selected under direction of the President for government use, or which have been purchased at any sale made by a board of tax commissioners for the United States, have been entered upon by persons claiming preëmption rights therein, with the consent or by the authority of the board of tax commissioners, and in accordance with instructions heretofore issued by the President of the United States, such persons shall be taken and deemed to have acquired rights of preëmption in said lands; and all certificates that have been issued or that shall *shall* hereafter be issued by the said board of commissioners to such persons shall be valid and effectual, as though issued pursuant to the act of which this is amendatory.

Tax commissioners to give notice of sales of lands.

SEC. 9. *And be it further enacted*, That boards of tax commissioners shall give such notice, by advertisements, of sales of lands to be made by them, by authority of law, as the commissioner of internal revenue, under direction of the Secretary of the Treasury, shall order and direct.

1863, ch. 21, § 7. Vol. xii. p. 640.

Amendment of former act.

SEC. 10. *And be it further enacted*, That section *seven* of the act entitled "An act to amend an act entitled 'An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes,'" be amended by striking therefrom the following words, that is to say: "or request the same to be struck off to a purchaser for a less sum than two thirds of the assessed value of said [several] lots or parcels of ground."

Tax may be apportioned.

SEC. 11. *And be it further enacted*, That in case application is made to pay tax on a part of any tract or tracts, lot or lots of land embraced in one valuation, it shall be competent for the commissioners, whether the valuation shall have been made by them or by the state authorities, to apportion such valuation and tax in such manner as they may deem just and reasonable, and the tax so apportioned and fixed shall be a lien upon the different parts or parcels, the same as if each had been thus originally valued or assessed.

Lien.

Commissioners may administer oaths.

Penalty for false swearing.

SEC. 12. *And be it further enacted*, That each tax commissioner is hereby authorized and empowered to administer oaths or affirmations in all cases where the same may be required under this act, and any person who shall wilfully take a false oath or affirmation in any such case shall, upon conviction thereof, be liable to the punishment and penalties provided by the laws of the United States for the crime of perjury, and shall moreover forfeit the sum of five hundred dollars.

Fees for certificates of sale, writs, &c.

SEC. 13. *And be it further enacted*, That purchasers at any sale, persons redeeming or in whose behalf writs of possession may be issued, shall pay to the board of tax commissioners for their use the sum of two dollars for each certificate of sale, certificate of redemption, or writ, delivered, provided that the fees thus received, together with the salary of the commissioners for any district, shall not exceed the sum of four thousand dollars to each of said commissioners, and that any excess that may be received over that amount shall be applied in payment of clerks or other persons employed by said commissioners in pursuance of this act, so far as may be necessary, and the balance, if any, paid as the proceeds of the sales of lands sold by them are required to be paid.

Commissions and salaries not to exceed, &c.

Excess, how applied.

Clerks, surveyors, and assistants.

SEC. 14. *And be it further enacted*, That any board of tax commissioners may employ the requisite number of clerks, surveyors, and assistants, who shall receive such compensation as the Secretary of the Treasury may prescribe; and that any clerk appointed by said board may be specially empowered by the said Secretary to receive and collect moneys due for direct taxes, and rents for lands leased, and to pay them over to the said board: *Provided, however*, That he first give security in such sum and with such conditions as the said Secretary may direct, with sureties to be approved by him; and each tax commissioner shall be held to have entered on the discharge of his duties when he shall have given approved

Clerks may collect moneys due for taxes.

Tax commissioners enter

upon their offices when, &c.

security, taken the required oath, received his commission, and reported at the office of the Secretary of the Treasury for duty, unless the said Secretary shall in any particular case direct otherwise.

Lands held in severalty and sold for taxes may be redeemed by any owner, if, &c.

SEC. 15. *And be it further enacted*, That where lands or tenements have been, or shall hereafter be, sold under the provisions of the several acts of congress relating to the sale of lands for direct taxes in insurrectionary districts, in tracts which, at the time of sale, were held by two or more freehold owners, in severalty, any one of these owners, being otherwise entitled to redeem, shall be allowed to redeem *for* the piece or parcel of land held by him as a freehold owner, as aforesaid, on paying his proportionable part of the tax, penalty, costs, expenses, and interest — the said proportionable part to be ascertained by the said commissioners.

Option of purchaser in such cases.

And it shall be optional with the purchaser either to retain the residue of the tract purchased, after a redemption of a part, or to surrender his certificate of purchase to the commissioners, and receive back from them the amount of the purchase-money paid, with interest: and in case he shall elect to retain the piece or parcel unredeemed, he shall surrender his certificate for the whole tract purchased, and the said board shall issue a new certificate for the piece or *certificate for the piece or* parcel of land retained.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. LXXXVIII. — *An Act to amend an Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for postal, military, and other Purposes," approved July first, eighteen hundred and sixty-two, and to amend an Act amendatory thereof, approved July second, eighteen hundred and sixty-four.*

1862, ch. 120. Vol. xii. p. 489. 1864, ch. 216. *Ante*, p. 356.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section ten of said act of July second, eighteen hundred and sixty-four, be so modified and amended as to allow the Central Pacific Railroad Company, and the Western Pacific Railroad Company, of California, the Union Pacific Railroad Company, the Union Pacific Railroad Company, eastern division, and all other companies provided for in the said act of the second of July, eighteen hundred and sixty-four, to issue their six per centum thirty years' bonds, interest payable in any lawful money of the United States, upon their separate roads. And the said companies are hereby authorized to issue, respectively, their bonds to the extent of one hundred miles in advance of a continuous completed line of construction.

Certain railroads may issue bonds on their separate roads.

Authority to issue.

Assignment by Central Pacific R. R. Co. to Western Pacific R. R. Co. ratified.

SEC. 2. *And be it further enacted*, That the assignment made by the Central Pacific Railroad Company of California to the Western Pacific Railroad Company of said state, of the right to construct all that portion of said railroad and telegraph from the city of San José to the city of Sacramento is hereby ratified and confirmed to the said Western Pacific Railroad Company, with all the privileges and benefits of the several acts of congress relating thereto, and subject to all the conditions thereof: *Provided*, That the time within which the said Western Pacific Railroad Company shall be required to construct the first twenty miles of their said road, shall be one year from the first day of July, eighteen hundred and sixty-five, and that the entire road shall be completed from San José to Sacramento, connecting at the latter point with the said Central Pacific Railroad, within four years thereafter.

First twenty miles of road, when to be completed.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. LXXXIX. — *An Act relating to the postal Laws.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all domestic letters, except letters lawfully franked, and duly certified letters of soldiers and mariners in the service of the United States, which are deposited for mailing in any post-office of the United States, on which the postage is

Unpaid domestic letters, except, &c., to be sent to dead-letter office.

unpaid, shall be sent by the postmaster to the dead-letter office in Washington; and all letters deposited for mailing, paid only in part, shall be forwarded to destination, charged with the unpaid rate, to be collected on delivery.

Part-paid letters to be forwarded.

SEC. 2. *And be it further enacted*, That the provisions of the act entitled "An act for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas," approved April twenty-nine, eighteen hundred and sixty-four, be, and the same are hereby, extended to cases of loyal postmasters where, by reason of the presence of armed forces, a post-office is destroyed and the postmaster loses the fixtures and furniture or postage stamps, and stamped envelopes; and also to cases where such losses are occasioned by armed forces other than those of the so-called Confederate States.

Provisions of act 1864, ch. 73, extended.
Ante, p. 62.

SEC. 3. *And be it further enacted*, That, in addition to the items of rent, fuel, light, and clerks enumerated in the fifth section of the act approved July first, eighteen hundred and sixty-four, the Postmaster-General be, and he is hereby, authorized to allow, at his discretion, out of the revenues of the office at New York, and of offices of the first, second, third, and fourth classes, a just and reasonable sum for the necessary cost, in whole or in part, as well of the foregoing items, as of furniture, stationery, printing, and other items of expenditure required at offices of those classes, to be adjusted upon a satisfactory exhibit of the facts; and that he be authorized to pay, out of the proceeds of the money-order business, the cost of stationery and such other incidental expenses as are necessary for the transaction of that business.

Allowance at certain offices for furniture, stationery, &c.
1864, ch. 197, § 5.
Ante, p. 336.

Certain expenses of money-order business to be paid from proceeds.

SEC. 4. *And be it further enacted*, That the seventh section of the act entitled "An act to amend the laws relating to the Post-Office Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended so as to authorize the Postmaster-General to allow for the publication, in newspapers, of the list of non-delivered letters at any post-office, compensation at a rate not to exceed two cents for each letter so advertised.

Pay for advertising letters not to exceed two cents each.
1863, ch. 71, § 7.
Vol. xii. p. 702.

SEC. 5. *And be it further enacted*, That the seventeenth section of the act entitled "An act to establish salaries for postmasters, and for other purposes," approved July one, eighteen hundred and sixty-four, be, and the same is hereby, amended so as to restore, from the date of its passage, to the special agent of the Post-Office Department in the Pacific states and territories, his regular salary of two thousand five hundred dollars per annum, under the act of March two, eighteen hundred and sixty-one, with an allowance, in addition thereto, of a sum not exceeding five dollars per diem, to provide for his actual travelling and incidental expenses while actively employed in the service. And the Postmaster-General is hereby authorized to appoint an additional special agent for the Pacific states and territories, and two additional special agents to superintend postal matters connected with the railway mail service of the United States, who shall receive the same salary and per diem allowance for travelling and incidental expenses, to be paid out of the appropriation for mail transportation.

Salary of special agent in Pacific states, &c.
1864, ch. 197, § 17.
Ante, p. 339.

1861, ch. 73, § 5.
Vol. xii. p. 205.

Additional special agents.

SEC. 6. *And be it further enacted*, That hereafter special agents of the Post-Office Department, other than those appointed for the Pacific states and territories, or those appointed under the authority of the preceding section of this act to superintend postal matters connected with the railway service of the United States, shall be allowed for their necessary travelling and incidental expenses, while actively employed in the service, a sum not exceeding five dollars per diem.

Special agents to be allowed for travelling, &c., expenses.

SEC. 7. *And be it further enacted*, That the Postmaster-General be, and he is hereby, authorized to pay, out of the appropriation for miscellaneous expenses, the sum of ten thousand dollars, or so much thereof as may be required, for defraying the necessary expense of preparing and

Post-route maps may be prepared and published.

publishing a set of post-route maps arranged by states and groups of states, and showing all the permanent mail routes, distances, and post-offices thereon in the United States, with other statistical information.

Clerks in railway post-offices.

Pay.

Sec. 8. *And be it further enacted*, That for the purpose of assorting and distributing letters and other mail matter in railway post-offices, the Postmaster-General may, from time to time, appoint clerks, who shall be paid out of the appropriation for mail transportation: *Provided*, That the salary of each head clerk so appointed and employed, shall not exceed fourteen hundred dollars per annum, and that the salary of other clerks shall not exceed twelve hundred dollars each per annum.

Mail service by steamship to foreign ports, &c., how may be paid.

1860, ch. 131, § 4.
Vol. xi. p. 39.

Sec. 9. *And be it further enacted*, That the provisions of the fourth section of the act entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-one," approved June fifteen, eighteen hundred and sixty, be and the same are hereby modified so as to authorize the Postmaster-General to cause the mails to be transported between the United States and any foreign port or ports, or between ports of the United States, touching at a foreign port, by steamship, allowing and paying therefor, if by an American vessel, any sum not exceeding the sea and United States inland postage, and if by a foreign vessel, any sum not exceeding the sea postage on the mails so conveyed.

Letters and packets, unless regularly posted at the post-office of the port, not to be received by steamships, &c.

Conditions of clearance of vessels.

Sec. 10. *And be it further enacted*, That no steamship or other vessel departing from the United States for a foreign port or ports, shall be permitted to receive on board, or convey any letters or letter packets originating in the United States, which have not been regularly posted at, and received from, the post-office at the port of departure; and it shall be the duty of the collector or other officer of the port empowered to grant clearances of vessels, to require as a condition of clearance, from the master or commander of such steamship or vessel, an oath or affirmation that he has not received on board his ship or vessel, and has not under his care or within his control, and will not receive and convey any letters or letter packets addressed to a foreign country, except as hereinafter excepted, which *hire* have not been delivered to him from the post-office at the port of departure: *Provided, however*, That the provisions of this section shall not apply to any letters or letter packets which relate to the cargo and are addressed to the owner or consignee of such steamship or other vessel, or to any letters or packets which are enclosed in a United States stamped envelope of a denomination sufficient in amount to cover the United States postage legally chargeable thereon, if such letters or packets had been posted and transmitted by the regular mail.

Proviso.

Deputy postmasters may deposit in certain national banks, and negotiate drafts, &c., through them.

1864, ch. 87.
Ante, p. 76.

Sec. 11. *And be it further enacted*, That nothing contained in the act entitled "An act to establish a postal money-order system," approved May seventeen, eighteen hundred and sixty-four, or in any other act, shall be so construed as to prevent deputy postmasters at money-order or other offices from depositing in the national banks designated by the Secretary of the Treasury as public depositories, to their own credit as deputy postmasters, money-orders, or other funds in their charge, under the direction of the Postmaster-General, nor to prevent their negotiating drafts, orders, or other evidences of debt through these banks, as they may be instructed and required by the Postmaster-General.

Appropriations for money-order system for 1865 may supply deficiencies for 1866.

Sec. 12. *And be it further enacted*, That the balance which may remain unexpended of the appropriation of one hundred thousand dollars to meet any deficiencies in the proceeds of the money-order system during the present fiscal year, under the thirteenth section of the act approved May seventeen, eighteen hundred and sixty-four, may be used, as far as may be necessary, to supply deficiencies in the proceeds of the aforesaid system during the fiscal year commencing July first, eighteen hundred and sixty-five.

Sec. 13. *And be it further enacted*, That if any person or persons shall

wilfully and maliciously injure, tear down, or destroy any letter-box, pillar-box, or other receiving-boxes established by authority of the Postmaster-General of the United States for the safe deposit of matter for the mails and for delivery; or shall wilfully aid and assist in injuring, tearing down, or destroying any such box or boxes, every such offender, being thereof duly convicted, shall, for every such offence, be fined not less than one hundred, nor more than one thousand dollars, or be imprisoned not less than one year, nor more than three years, or both, according to the circumstances and aggravations of the offence. And if any clerk or other person employed in any of the departments of the post-office establishment shall wilfully and unlawfully remove from any letter posted at or received in any post-office or branch post-office, established by authority of the Postmaster-General of the United States, any postage-stamp or stamps affixed thereto in payment of postage, every such offender, being thereof duly convicted, shall, for every such offence, be fined not more than one hundred dollars, or imprisoned not more than six months, according to the circumstances and aggravations of the offence.

Wilful, &c., injury to letter-boxes, &c., how punished.

Penalty upon clerks, &c., in post-office, for unlawfully removing postage-stamps from letters.

SEC. 14. *And be it further enacted*, That the yearly advertisement for proposals to carry the mails of the United States shall be published hereafter for a period of six weeks in one or more, but not to exceed five, newspapers, printed in the state or territory where the mail service is to be performed, one of which shall be printed at the seat of government of such state or territory.

Publication of advertisements for proposals for carrying the mails.

SEC. 15. *And be it further enacted*, That nothing contained in the act entitled "An act to amend the laws relating to the Post-Office Department," approved March third, eighteen hundred and sixty-three, shall be so construed as to repeal or modify the second section of the act entitled "An act making appropriations for the service of the Post-Office Department during the fiscal year ending the thirtieth of June, eighteen hundred and sixty-one," for the delivery of letters and other mail matter from post-offices where the system of free delivery by carriers has not been established: *Provided, nevertheless, and it is hereby further enacted*, That the system of free delivery shall be established in every place containing a population of fifty thousand within the delivery of the office thereof, and at such other places as the Postmaster-General in his judgment shall direct: *And provided, further*, That the prepayment postage on drop-letters in all places where free delivery is not established shall be one cent only.

Delivery of mail matter from post-offices.

1863, ch. 71. Vol. xii. p. 701.

1861, ch. 131, § 2. Vol. xii. p. 29.

System of free delivery to be established, when, &c.

Postage on drop-letters.

SEC. 16. *And be it further enacted*, That no obscene book, pamphlet, picture, print, or other publication of a vulgar and indecent character, shall be admitted into the mails of the United States; any person or persons who shall deposit or cause to be deposited, in any post-office or branch post-office of the United States, for mailing or for delivery, an obscene book, pamphlet, picture, print, or other publication, knowing the same to be of a vulgar and indecent character, shall be deemed guilty of a misdemeanor, and, being duly convicted thereof, shall for every such offence be fined not more than five hundred dollars, or imprisoned not more than one year, or both, according to the circumstances and aggravations of the offence.

Obscene books, &c., not to be admitted into mails.

Penalty for knowingly depositing such books, &c., for mailing.

APPROVED, March 3, 1865.

CHAP. XC. — *An Act to establish a Bureau for the Relief of Freedmen and Refugees.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a bureau of refugees, freedmen, and abandoned lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states, or from any district of country within the territory embraced in the operations of the

Bureau of refugees, freedmen, and abandoned lands.

Duty, &c., of bureau.

army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The said bureau shall be under the management and control of a commissioner to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be three thousand dollars per annum, and such number of clerks as may be assigned to him by the Secretary of War, not exceeding one chief clerk, two of the fourth class, two of the third class, and five of the first class. And the commissioner and all persons appointed under this act, shall, before entering upon their duties, take the oath of office prescribed in an act entitled "An act to prescribe an oath of office, and for other purposes," approved July second, eighteen hundred and sixty-two, and the commissioner and the chief clerk shall, before entering upon their duties, give bonds to the treasurer of the United States, the former in the sum of fifty thousand dollars, and the latter in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties respectively, with securities to be approved as sufficient by the Attorney-General, which bonds shall be filed in the office of the first comptroller of the treasury, to be by him put in suit for the benefit of any injured party upon any breach of the conditions thereof.

Commissioner.

Pay.

Clerks.

Oath of office.

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

Bonds.

Issues of provisions, clothing, and fuel for refugees and freedmen, &c.

SEC. 2. *And be it further enacted*, That the Secretary of War may direct such issues of provisions, clothing, and fuel, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children, under such rules and regulations as he may direct.

Assistant commissioner for each state in insurrection.

Bond.

Pay.

Military officers may be assigned to this duty.

Annual and special reports of commissioners.

SEC. 3. *And be it further enacted*, That the President may, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of the states declared to be in insurrection, not exceeding ten in number, who shall, under the direction of the commissioner, aid in the execution of the provisions of this act; and he shall give a bond to the Treasurer of the United States, in the sum of twenty thousand dollars, in the form and manner prescribed in the first section of this act. Each of said commissioners shall receive an annual salary of two thousand five hundred dollars in full compensation for all his services. And any military officer may be detailed and assigned to duty under this act without increase of pay or allowances. The commissioner shall, before the commencement of each regular session of congress, make full report of his proceedings with exhibits of the state of his accounts to the President, who shall communicate the same to congress, and shall also make special reports whenever required to do so by the President or either house of congress; and the assistant commissioners shall make quarterly reports of their proceedings to the commissioner, and also such other special reports as from time to time may be required.

Assistants to report quarterly.

Abandoned lands in insurrectionary states may be set apart for refugees and freedmen.

Limit of land assigned.

Rent.

Occupants may purchase.

SEC. 4. *And be it further enacted*, That the commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land within the insurrectionary states as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise, and to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land, as it was appraised by the state authorities in the year eighteen hundred and sixty, for the purpose of taxation, and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land, as

ascertained and fixed for the purpose of determining the annual rent aforesaid.

SEC. 5. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repealing clause.

APPROVED, March 3, 1865.

CHAP. XCI.—*An Act to incorporate a national military and naval Asylum for the Relief of the totally disabled Officers and Men of the Volunteer Forces of the United States.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Uly[s]ses S. Grant, David G. Farragut, Hannibal Hamlin, Andrew Johnson, Salmon P. Chase, Edwin M. Stanton, Gideon Welles, John A. Dix, George Bancroft, William T. Sherman, John A. Andrew, Andrew G. Curtin, Oliver P. Morton, Benjamin F. Butler, George G. Meade, John Brough, Nathaniel P. Banks, Joseph Hooker, Samuel R. Curtis, Richard J. Oglesby, David Tod, Henry Ward Beecher, Ambrose E. Burnside, John A. Logan, Daniel S. Dickinson, William A. Buckingham, Carl Schurz, Oliver O. Howard, Hamilton Fish, Frank Sigel, Francis Wayland, Austin Blair, Thomas C. Fletcher, Robert Breckinridge, Lovell H. Rousseau, Horace Greeley, George H. Stuart, Joseph Henry, John G. Barnard, Henry J. Raymond, William B. Astor, James Gordon Bennett, H. W. Halleck, William E. Dodge, William M. Evarts, James T. Brady, Gerritt Smith, Reuben E. Fenton, Bellamy Storer, George P. McIlvaine, Galusha A. Grow, Henry W. Bellows, J. S. C. Abbott, Jay Cooke, Oliver Wendell Holmes, Israel Washburn, Jr., Ichabod Goodwin, Frederick Smyth, John Z. Goodrich, Charles Henry Davis, William Claflin, J. Wiley Edmands, Amos A. Lawrence, Edward S. Tobey, Thomas Russell, Charles G. Loring, George B. Upton, Charles G. Greene, J. M. S. Williams, George G. Stannard, Henry M. Rice, Grenville M. Dodge, Morton M'Michael, Thomas Webster, James M. Scovel, Nathaniel B. Baker, Richard J. Field, Henry C. Carey, John W. Forney, Bishop M. Simpson, G. S. Griffith, William Henry Channing, James E. Yeatman, Dwight Durkee, A. T. Stewart, Barnabas Hobbs, Montgomery Blair, Joseph R. Barnes, E. B. Ward, Henry Benham, Frank Moore, Alfred Lee, Edward Solomon, Thomas C. Bryan, B. B. French, Samuel J. Crawford, James T. Pratt, Alfred H. Terry, Edward Tompkins, Moses F. Odell, and their successors, duly chosen, are hereby constituted and created a body corporate in the District of Columbia. A national military and naval asylum incorporated. Corporators.

SEC. 2. *And be it further enacted*, That the said corporation hereby constituted shall consist of one hundred members. They shall have power to fill all vacancies created by death, resignation, or otherwise, and to make by-laws, rules, and regulations: *Provided*, That such by-laws, rules, and regulations are not repugnant to the constitution or laws of the United States. Corporation to consist of one hundred members. Powers.

SEC. 3. *And be it further enacted*, That the business of said corporation shall be managed by a board of twelve directors, who shall elect from their number a president, two vice-presidents, and a secretary; and seven of the directors, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any special meeting of the board of directors. Directors. Officers. Quorum.

SEC. 4. *And be it further enacted*, That the board of directors shall have authority to procure for early use, at a suitable place, a site for a military asylum for officers and men of the volunteer forces of the United States who have been or may hereafter be totally disabled by wounds received or sickness contracted while in the line of their duty during the present rebellion; and to have the necessary buildings erected, having due regard to the health of the location, facility of access, and competency to accommodate the persons provided for in this act. Site for a military asylum. Buildings.

Certain stoppages, fines, and forfeitures, to go to establish and support the asylum.

SEC. 5. *And be it further enacted*, That for the establishment and support of this asylum there shall be appropriated all stoppages or fines adjudged against volunteer officers, soldiers, or seamen by sentence of courts-martial or military commission, over and above the amounts necessary for the reimbursement of the government or of individuals, all forfeitures on account of desertion from the volunteer service, and all moneys due deceased volunteer officers, soldiers, or seamen, which now are, or may be, unclaimed for three years after the death of such officers, soldiers, or seamen, to be repaid upon the demand of the heirs or legal representatives of such deceased officers, soldiers, or seamen. And the said directors are

Donations.

hereby authorized to receive all donations of money or property, made by any person or persons, for the benefit of the asylum, and to hold or dispose of the same for its sole and exclusive use.

Site for naval asylum.

Buildings.

SEC. 6. *And be it further enacted*, That the selection of the site for the said asylum, and the plan of the buildings, and the rules and regulations for the general and internal direction of the asylum, shall be made by the directors, and they may do all other acts necessary for the government and interests of the same as hereby authorized: *Provided, however*, That no selection of a site for said asylum or adoption of any plan of buildings shall be agreed upon until after the sum of half a million of dollars shall have been first subscribed or donated and paid into the treasury of said corporation.

Proviso.

Officers of the asylum.

SEC. 7. *And be it further enacted*, That the officers of the asylum shall consist of a governor, a deputy governor, a secretary and a treasurer, and such officers shall be appointed from the pensioned officers of the volunteer service, and they may be appointed and removed from time to time, as the interests of the institution may require, by the board of directors.

Who entitled to benefits of asylum.

SEC. 8. *And be it further enacted*, That the following persons only shall be entitled to the benefits of the asylum, and may be admitted thereto upon the recommendation of the board of directors, namely: all volunteer officers, soldiers, and seamen who have served during the present war, who have been or who may be totally disabled by wounds received or sickness contracted in the line of their duty, and such persons on becoming inmates of this asylum shall assign thereto their pensions during the time they shall remain therein and receive its benefits.

Directors to report annually.

SEC. 9. *And be it further enacted*, That the directors shall make an annual report of the condition of the asylum to the War Department, which shall be communicated to congress on the first Monday of every January after the passage of this act, and it shall be the duty of the said

Treasurer's accounts.

directors to examine and audit the accounts of the treasurer of this asylum quarterly, and to visit and inspect them at least six times a year.

Inmates subject to articles of war.

SEC. 10. *And be it further enacted*, That all inmates of the asylum shall be, and they are hereby, made subject to the rules and articles of war, and will be governed thereby in the same manner as if they were in the army or navy of the United States.

Act may be altered, &c.

SEC. 11. *And be it further enacted*, That congress may at any time hereafter alter, amend, or repeal this act.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. XCII. — *An Act to incorporate the Freedman's Savings and Trust Company.*

The Freedman's Savings and Trust Company incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Peter Cooper, William C. Bryant, A. A. Low, S. B. Chittenden, Charles H. Marshall, William A.

Names of corporators.

Booth, Gerritt Smith, William A. Hall, William Allen, John Jay, Abraham Baldwin, A. S. Barnes, Hiram Barney, Seth B. Hunt, Samuel Holmes, Charles Collins, R. R. Graves, Walter S. Griffith, A. H. Wallis, D. S. Gregory, J. W. Alvord, George Whipple, A. S. Hatch, Walter T. Hatch, E. A. Lambert, W. G. Lambert, Roe Lockwood, R. H. Manning,

R. W. Ropes, Abert Woedruff, and Thos. Dewey, of New York; John M. Forbes, Wm. Claflin, S. G. Howe, George L. Stearns, Edward Atkinson, A. A. Lawrence, and John M. S. Williams, of Massachusetts; Edward Harris and Thomas Davis, of Rhode Island; Stephen Colwell, J. Wheaton Smith, Francis E. Cope, Thomas Webster, B. S. Hunt, and Henry Samuel, of Pennsylvania; Edward Harwood, Adam Poe, Levi Coffin, J. M. Waldon, of Ohio, and their successors, are constituted a body corporate, in the city of Washington, in the District of Columbia, by the name of "The Freedman's Savings and Trust Company," and by that name may sue and be sued in any court of the United States.

Trustees.

SEC. 2. *And be it further enacted*, That the persons named in the first section of this act shall be the first trustees of the corporation, and all vacancies by death, resignation, or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least ten votes shall be necessary for the election of any trustee. The trustees shall hold a regular meeting at least once in each month, to receive reports of their officers on the affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill the same.

Vacancies.

Monthly meetings.

Trustees to manage corporation.

Officers.

Quorum.

SEC. 3. *And be it further enacted*, That the business of the corporation shall be managed and directed by the board of trustees, who shall elect from their number a president and two vice-presidents; and may appoint such other officers as they may see fit; nine of the trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any regular or adjourned meeting of the board of trustees; and the affirmative vote of at least seven members of the board shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

By-laws.

SEC. 4. *And be it further enacted*, That the board of trustees of the corporation shall have power, from time to time, to make and establish such by-laws and regulations as they shall judge proper with regard to the elections of officers and their respective functions, and generally for the management of the affairs of the corporation, provided such by-laws and regulations are not repugnant to this act or to the constitution or laws of the United States.

Objects and business of the corporation.

Investments.

SEC. 5. *And be it further enacted*, That the general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor, by, or on behalf of, persons heretofore held in slavery in the United States, or their descendants, and investing the same in the stocks, bonds, treasury notes, or other securities of the United States.

Deposits to be invested

SEC. 6. *And be it further enacted*, That it shall be the duty of the trustees of the corporation to invest, as soon as practicable, in the securities named in the next preceding section, all sums received by them beyond an available fund, not exceeding one third of the total amount of deposits with the corporation, at the discretion of the trustees, which available funds may be kept by the trustees to meet current payments of the corporation, and may by them be left on deposit at interest or otherwise, or in such available form as the trustees may direct.

Corporation to receive deposits in trust.

SEC. 7. *And be it further enacted*, That the corporation may, under such regulations as the board of trustees shall from time to time prescribe, receive any deposit hereby authorized to be received, upon such trusts and for such purposes, not contrary to the laws of the United States, as may be indicated in writing by the depositor, such writing to be subscribed by the depositor and acknowledged or proved before any officer

in the civil or military service of the United States, the certificate of which acknowledgment or proof shall be indorsed on the writing; and the writing so acknowledged or proved shall accompany such deposit and be filed among the papers of the corporation, and be carefully preserved therein, and may be read in evidence in any court or before any judicial officer of the United States, without further proof; and the certificate of acknowledgment or proof shall be primâ facie evidence only of the due execution of such writing.

Declaration of trust to be filed.

Deposits repaid with interest.

Sec. 8. *And be it further enacted*, That all sums received on deposit shall be repaid to such depositor when required, at such time, with such interest, not exceeding seven per centum per annum, and under such regulations as the board of trustees shall, from time to time, prescribe, which regulations shall be posted up in some conspicuous place in the room where the business of the corporation shall be transacted, but shall not be altered so as to affect any deposit previously made.

Trusts to be performed.

Sec. 9. *And be it further enacted*, That all trusts upon which, and all purposes for which any deposit shall be made, and which shall be indicated in the writing to accompany such deposit, shall be faithfully performed by the corporation, unless the performing of the same is rendered impossible.

Deposits of deceased depositors, how held and disposed of.

Sec. 10. *And be it further enacted*, That when any depositor shall die, the funds remaining on deposit with the corporation to his credit, and all accumulations thereof, shall belong and be paid to the personal representatives of such depositor, in case he shall have left a last will and testament; and in default of a last will and testament, or of any person qualifying under a last will and testament competent to act as executor, the corporation shall be entitled, in respect to the funds so remaining on deposit to the credit of any such depositor, to administration thereon in preference to all other persons, and letters of administration shall be granted to the corporation accordingly in the manner prescribed by law in respect to the granting of letters of administration, with the will annexed, and in cases of intestacy.

Representatives of deceased to be sought for.

Sec. 11. *And be it further enacted*, That in the case of the death of any depositor, whose deposit shall not be held upon any trust created pursuant to the provisions hereinbefore contained, or where it may prove impossible to execute such trust, it shall be the duty of the corporation to make diligent efforts to ascertain and discover whether such deceased depositor has left a husband, wife, or children surviving, and the corporation shall keep a record of the efforts so made, and of the results thereof, and in case no person lawfully entitled thereto shall be discovered, or shall appear, or claim the funds remaining to the credit of such depositor before the expiration of two years from the death of such depositor, it shall be lawful for the corporation to hold and invest such funds as a separate trust-fund, to be applied, with the accumulations thereof, to the education and improvement of persons heretofore held in slavery, or their descendants, being inhabitants of the United States, in such manner and through such agencies as the board of trustees shall deem best calculated to effect that object: *Provided*, That if any depositor be not heard from within five years from the date of his last deposit, the trustees shall advertise the same in some paper of general circulation in the state where the principal office of the company is established, and also *in the state where the principal office of the company is established, and also* in the state where the depositor was last heard from; and if within two years thereafter such depositor shall not appear, nor a husband, wife, or child of such depositor, to claim his deposits, they shall be used by the board of trustees as hereinbefore provided for in this section.

Deposits not called for, how to be invested and applied.

Advertisements.

Officers not to borrow or use funds of corporation.

Sec. 12. *And be it further enacted*, That no president, vice-president, trustee, officer, or servant of the corporation shall, directly or indirectly, borrow the funds of the corporation or its deposits, or in any manner use

the same, or any part thereof, except to pay necessary expenses, under the direction of the board of trustees. All certificates [or] other evidences of deposit made by the proper officers shall be as binding on the corporation as if they were made under their common seal. It shall be the duty of the trustees to regulate the rate of interest allowed to the depositors, so that they shall receive as nearly as may be a ratable proportion of all the profits of such corporation after deducting all necessary expenses: *Provided, however*, That the trustees may allow to depositors, to the amount of five hundred dollars or upwards, one per centum less than the amount allowed others: *And provided, also*, Whenever it shall appear that, after the payment of the usual interest to depositors, there is in the possession of the corporation an excess of profits over the liabilities amounting to ten per centum upon the deposits, such excess shall be invested for the security of the depositors in the corporation; and thereafter, at each annual examination of the affairs of the corporation, any surplus over and above such ten per centum shall, in addition to the usual interest, be divided rateably among the depositors, in such manner as the board of trustees shall direct.

Rate of interest.

Dividends.

SEC. 13. *And be it further enacted*, That whenever any deposit shall be made by any minor, the trustees of the corporation may, at their discretion, pay to such depositor such sums as may be due to him, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt, or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, or the minor were of full age, if such deposit was made personally by such minor. And whenever any deposits shall have been made by married women, the trustees may repay the same on their own receipts.

Deposits of minors;

of married women.

SEC. 14. *And be it further enacted*, That the trustees shall not, directly or indirectly, receive any payment or emolument for their services as such, except the president and vice-president.

Trustees, except president, &c., to receive no pay.

SEC. 15. *And be it further enacted*, That the president and vice-president, the subordinate officers and agents of the corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and the board shall fix the salaries of such officers and agents.

Official bonds.

Salaries.

SEC. 16. *And be it further enacted*, That the books of the corporation shall, at all times during the hours of business, be open for inspection and examination to such persons as congress shall designate or appoint.

Books to be open for inspection.

APPROVED, March 3, 1865.

CHAP. XCIII. — *An Act for the better Organization of the Subsistence Department.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the continuance of the present rebellion, the Secretary of War may, when in his judgment it is necessary, assign to each geographical military division, to each separate army in the field consisting of more than one army corps, to each military department, and to each principal subsistence depot, not exceeding ten in number, an officer of the subsistence department to act as chief commissary of such military division, army, military department, or depot, and also an officer of the subsistence department as assistant in the office of the commissary-general of subsistence, each of whom, while so assigned and acting, shall have the rank, pay, and emoluments of a colonel of the subsistence department; and, in like manner, may assign, for purposes of inspection or other special duty in the subsistence department, commissaries of subsistence, not exceeding six in number, each of whom, while so assigned and acting, shall have the rank, pay, and emoluments of a lieutenant-colonel of the subsistence department; and to each army corps an officer of the subsistence department to be chief commissary of the corps,

A chief commissary of subsistence, and assistant, may be assigned to each military division, army, &c.

Rank, pay, &c.

Commissaries for inspection.

Rank, pay, &c. with the like rank of lieutenant-colonel; and, in like manner, may assign
Commissary to each division. to each division of two or more brigades a commissary, who, while so assigned and acting, shall have the rank, pay, and emoluments of a major
When relieved, increased pay, &c., to cease. of the subsistence department: *Provided*, That when any one of said officers is relieved from such duty, his increased rank, pay, and emoluments, allowed because of such assignment, shall cease, and he shall return to his commissioned rank in the subsistence department: *And provided further*,
Officers to be selected equally from volunteers and regulars. That the officers authorized to be assigned by this act shall be selected for each grade from the commissaries of subsistence who hold commissions or rank in the volunteer service and in the regular subsistence department in proportion to the number of each of said classes respectively in service at the date of the passage of this act.

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

Approved, March 3, 1865.

March 3, 1865. Chap. XCIV. — *An Act to provide for two assistant local Inspectors of Steamboats in the City of New York, and for two local Inspectors at Galena, Illinois, and to reëstablish the Board of local Inspectors at Wheeling; and also to amend the Act approved June eighth, eighteen hundred and sixty-four, entitled "An Act to create an additional Inspector of Steamboats and two local Inspectors of Steamboats for Collection Districts of Memphis and Oregon, and for other Purposes."*

Local inspectors of steamboats and assistants in New York and Galena. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be designated and appointed, in the mode prescribed by law, two assistant local inspectors of steamboats in the city of New York, and two local inspectors at the city of Galena, Illinois, with an annual compensation of twelve hun-
Pay and duties. dred dollars for the said assistant local inspectors in the city of New York, and eight hundred dollars for the two local inspectors at the city of Galena, Illinois, as in case of other like inspectors; and said inspectors shall perform the duties and be subject to the provisions of the steamboat act of
1852, ch. 106. Vol. x. p. 61. August thirtieth, eighteen hundred and fifty-two. And the local board of inspectors at Wheeling is hereby reëstablished.

Fees for inspection. Sec. 2. *And be it further enacted*, That, in lieu of the fees for inspection prescribed by the sixth section of the act entitled "An act to create an additional supervising inspector of steamboats and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local
1864, ch. 113, § 6. *Ante*, p. 120. inspectors for the collection district of Oregon, and for other purposes," approved June eighth, eighteen hundred and sixty-four, there shall be levied and paid for each steam-vessel of one hundred tons or under, twenty-five dollars, and in addition thereto for each and every ton, in excess of one hundred tons, five cents.

Repealing clause. Sec. 3. *And be it further enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed.

Approved, March 3, 1865.

March 3, 1865. Chap. XCV. — *An Act to provide for the Publication of the Opinions of the Attorneys-General of the United States.*

Attorney-General may contract for publishing opinions of attorneys-general since March 4, 1851. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Attorney-General be, and he is hereby, authorized to contract on behalf of the United States with a suitable book-publisher for the printing and publishing of the unpublished opinions of the attorneys-general of the United States, delivered since the fourth of March, eighteen hundred and fifty-seven, on the
Style of publication. terms following, to wit: The said opinions to be published in as many volumes as may be necessary, which shall be, as to the quality of paper, printing, and binding, of uniform style and appearance with the eighth volume of said opinions, published by Robert Farnham, in the year eighteen hundred and fifty-eight, and, as nearly as possible, of uniform size

with said eighth volume, and which shall be numbered in regular order after the said eighth volume; the copyright thereof to be taken out by, and be for the use of, the publisher, who shall deliver to the Attorney-General for the use of the United States, within one month after the publication thereof, three hundred sets of said volumes, at the price of three dollars per volume, payable after they are so delivered. And the Attorney-General is hereby authorized to employ a competent person to edit and prepare the said opinions for publication, as aforesaid, with proper head-notes, and a full and complete index, and to supervise the said publication. When the said three hundred sets shall have been delivered for the use of the United States, the Attorney-General shall cause them to be distributed as follows: For the President of the United States, two sets; for the Department of State, ten sets; for the Department of the Treasury and the heads of the bureaus thereof, twenty-five sets; for the Department of War and the heads of the bureaus thereof, twenty-five sets; for the Department of the Navy and the heads of bureaus thereof, fifteen sets; for the Department of the Interior and the heads of bureaus thereof, twenty sets; for the Department of the Post-Office, ten sets; for the Attorney-General's office, ten sets; for the judges of the supreme court of the United States, one set each; for the library of said court, three sets; for the judges of the court of claims, the solicitor and assistant and deputy solicitors of said court, one set each; for the library of congress, fifty sets, for the use of both houses of congress; the residue of the said three hundred sets to remain in charge of the librarian of congress, at the future disposal of congress. And the sum of seven thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay for the editing of the said opinions and the price of the said three hundred volumes, which money shall be disbursed on vouchers approved by the Attorney-General.

Copyright.

Editor, and his duties.

Distribution.

Appropriation.

APPROVED, March 3, 1865.

CHAP. XCVI. — *An Act to remove all Disqualification of Color in carrying the Mails.* March 3. 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act no person, by reason of color, shall be disqualified from employment in carrying the mails, and all acts and parts of acts establishing such disqualification, including especially the seventh section of the act of March third, eighteen hundred and twenty-five, are hereby repealed.

Color not to disqualify for carrying the mails.

1825, ch. 64, § 7. Vol. iv. p. 104.

APPROVED, March 3, 1865.

CHAP. XCVII. — *An Act relating to the Clerkships in the Post-Office Department.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act of congress entitled "An act making appropriations for the civil and diplomatic expenses of the government for the year ending thirtieth of June, eighteen hundred and fifty-four," approved the third of March, eighteen hundred and fifty-three, be, and the same is hereby, amended so as to authorize the appointment of a chief clerk in the offices of each of the three assistants postmaster-general, at a salary of two thousand dollars per annum each.

Chief clerk in office of assistant postmasters-general.

1853, ch. 97, § 3. Vol. x. p. 209.

Salary.

SEC. 2. *And be it further enacted*, That, in lieu of temporary clerks now employed in the Post-Office Department and paid out of the appropriation for postage-stamps and stamped envelopes and the proceeds of sales of waste paper, the Postmaster-General be, and he is hereby, authorized to appoint two clerks of class three, two clerks of class two, and five clerks of class one.

Additional permanent clerks in lieu of temporary clerks.

SEC. 3. *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

Appropriation.

treasury not otherwise appropriated, to pay the clerks provided for in the two preceding sections of this act.

Appropriation for temporary clerks.

Sec. 4. *And be it further enacted*, That the sum of six thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the payment of such temporary clerks as the Postmaster-General may, from time to time, deem necessary.

Unclaimed money in dead letters, and from sales of waste paper, to be deposited.

Sec. 5. *And be it further enacted*, That unclaimed money in dead letters for which no owner can be found, and also all money derived from sales of waste paper or other public property in post-offices or the Post-Office Department, be deposited in the treasury of the United States, under the direction of the Postmaster-General, for the service of the Post-Office Department; and any postmaster or clerk in a post-office, or any other clerk, officer, or agent of the Post-Office Department, having temporary custody of such money, and wilfully neglecting to deposit the same as herein provided, shall be deemed to be guilty of felony, and be subject to a fine not exceeding double the sum so retained by such clerk or other agents as aforesaid, or imprisonment not exceeding three years, or both, at the discretion of the court.

Wilful neglect to deposit, how punished.

Approved, March 3, 1865.

March 3, 1865.

Chap. XCVIII. — *An Act amendatory of the Acts relative to the Attorney-General's Office, and to fix the Compensation of his Assistant and Clerks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the salary of the assistant attorney-general shall be, and the same is hereby, raised to the sum of thirty-five hundred dollars per annum.

Salary of assistant attorney-general.

Clerks in office of Attorney-General.

Salaries.

Sec. 2. *And be it further enacted*, That in lieu of the provisions of law prescribing the Attorney-General's powers as to the employment of clerks in his office, it is provided that the Attorney-General shall be, and he is hereby, authorized to employ in his office one chief clerk at a salary of two thousand and two hundred dollars per annum, two fourth-class clerks (being one "pardon clerk" and one "opinion clerk") at annual salaries of eighteen hundred dollars each, two third-class clerks at annual salaries of sixteen hundred dollars each, and one first-class clerk at an annual salary of twelve hundred dollars, besides such temporary clerks as may from time to time be needed: *Provided, however*, That the allowances to such temporary clerks shall in no one year exceed one thousand dollars.

Proviso.

Additional pay to come from unexpended balances.

Sec. 3. *And be it further enacted*, That for the purpose of paying, for the current fiscal year, the increased compensation above provided, the Attorney-General is hereby authorized, in addition to the amounts already appropriated for the payment of salaries in his office in the appropriation bill for the current fiscal year, to draw on and use from the unexpended balance of moneys standing on the books of the treasury, on the first of July last, to the credit of his office for the pay of clerks and messenger, or from any other appropriation then standing to the credit of his office, and yet subject to his control and unexpended, a sum not exceeding, in the whole, twenty-four hundred dollars, towards such additional compensation for the current fiscal year.

Approved, March 3, 1865.

March 3, 1865.

Chap. XCIX. — *An Act to provide for the Construction of certain Wagon-Roads in the Territories of Idaho, Montana, Dakota, and Nebraska.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and empowered to survey, locate, and construct the following wagon-roads:

Certain wagon-roads authorized in Idaho, Montana, Dakota, and Nebraska.

First. A road from Niobrara to the mouth of the Turtle Hill River, and thence, upon the most direct practicable route, to Virginia City, in

From Niobrara to mouth of Tur-

Montana Territory, with a branch from the mouth of Turtle Hill River, or such other point as may be selected, to Omaha.

tle Hill River, and thence to Virginia City, with branch to Omaha.

Second. A road from a point at or near the mouth of the Big Sioux River, via Yancton, Dakota Territory, to a point at or near the mouth of the Big Sheyenne River, thence up said river to its main forks, thence up the north fork to a point of intersection with the road from Niobrara.

From Big Sioux River, via Yancton, &c.

Third. For a road from a point on the western boundary of Minnesota, to be determined by the Secretary of the Interior, to a point at or near the mouth of the Big Sheyenne River.

From western boundary of Minnesota to Big Sheyenne River.

Fourth. A road from Virginia City, in Montana, upon the most practicable route, to Lewiston, in Idaho.

From Virginia City to Lewiston, in Idaho.

SEC. 2. *And be it further enacted*, That, to enable the Secretary of the Interior to carry out the provisions of the foregoing section, the sum of one hundred and forty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, fifty thousand dollars of which shall be applied to the construction of the road from Virginia City to Lewiston; fifty thousand dollars shall be applied to the construction of the road from Niobrara and branch to Omaha; twenty thousand dollars shall be applied to the construction of the road from the mouth of the Big Sheyenne to its intersection with the Niobrara road; ten thousand dollars shall be applied to the construction of a bridge over the Big Sioux River, or so much of this sum as may be necessary, and any balance remaining to be applied to continuing and improving the road from Sioux City, Iowa, to the Big Sheyenne, Dakota Territory, and the remainder shall be applied to the construction of the road from the western boundary of Minnesota to the Big Sheyenne River: *Provided*, That any unexpended money now in the treasury, appropriated for the construction of a road from Sioux City to Fort Randall, Dakota Territory, shall be, and is hereby, transferred from the War Department to the Department of the Interior.

Appropriation, and apportionment thereof.

Proviso.

APPROVED, March 3, 1865.

CHAP. C. — *An Act to authorize the Coinage of Three-Cent Pieces, and for other Purposes.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so soon as practicable after the passage of this act, there shall be coined at the mint of the United States a three-cent piece, composed of copper and nickel in such proportions, not exceeding twenty-five per centum of nickel, as shall be determined by the director of the mint, the standard weight of which shall be thirty grains, with no greater deviation than four grains to each piece, and the shape, mottoes, and devices of said coin shall be determined by the director of the mint, with the approval of the Secretary of the Treasury. And the laws now in force relating to the coinage of cents, and providing for the purchase of material and prescribing the appropriate duties of the officers of the mint, and of the Secretary of the Treasury be, and the same are hereby, extended to the coinage herein provided for.

A three-cent piece to be coined.

Composition, weight, shape, device, &c.

Laws applicable.

SEC. 2. *And be it further enacted*, That all laws now in force, relating to the coins of the United States, and the striking and coinage of the same, shall so far as applicable be extended to the coinage herein authorized, whether said laws are penal or otherwise, for the security of the coin, regulating and guarding the process of striking and coining, for preventing debasement, or counterfeiting, or for any other purpose. And the director of the mint shall prescribe suitable regulations to insure a due conformity to the required weights and proportions of alloy in the said coin, and shall order trials thereof to be made from time to time, by the assayer of the mint, whereof a report shall be made in writing to the director.

Laws relating to coins and coinage extended to this coin, &c.

Director of mint to make regulations.

SEC. 3. *And be it further enacted*, That the said coin shall be a legal

To be legal

tender for sixty cents.

The three-cent coin may be paid out in exchange for lawful currency, except, &c.

tender in any payment to the amount of sixty cents. And it shall be lawful to pay out said coins in exchange for the lawful currency of the United States, (except cents or half-cents or two-cent pieces issued under former acts of congress,) in suitable sums by the treasurer of the mint, and by such other depositaries as the Secretary of the Treasury may designate, and under general regulations approved by the Secretary of the Treasury. And under the like regulations the same may be exchanged in suitable sums for any lawful currency of the United States; and the

Expenses, how paid.

expenses incident to such exchange, distribution, and transmission, may be paid out of the profits of said coinage, and the net profits of said coinage, ascertained in like manner as is prescribed in the second section of the act entitled "An act relating to foreign coins, and the coinage of cents at the mint of the United States," approved February twenty-first, eighteen hundred and fifty-seven, shall be transferred to the treasury of the United States: *Provided*, That from and after the passage of this act, no issues of fractional notes of the United States shall be of a less denomination than five cents, and all such issues of a less denomination, at that time outstanding, shall, when paid into the treasury or any designated depositary of the United States, or redeemed or exchanged as now provided by law, be retained and cancelled.

1857, ch. 56, § 2. Vol. xi. p. 163.

No fractional note to be issued under five cents.

Knowingly making or passing any coin, token, &c., for coin authorized by this act, how punished.

Sec. 4. *And be it further enacted*, That if any person or persons shall knowingly make, issue, or pass, or cause to be made, issued, or *past* [passed], any coin, card, token, or device, whatsoever, in metal or its compounds, intended to pass or be passed as money, for the coin authorized by this act, or for coin of equal value, such person or persons shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine not exceeding one thousand dollars, and by imprisonment for a term not exceeding five years, at the discretion of the court.

"In God we trust," may be placed on coins hereafter issued.

Sec. 5. *And be it further enacted*, That, in addition to the devices and legends upon the gold, silver, and other coins of the United States, it shall be lawful for the director of the mint, with the approval of the Secretary of the Treasury, to cause the motto "In God we trust" to be placed upon such coins hereafter to be issued as shall admit of such legend thereon.

"One-cent" and "two-cent" coins to be legal tender only for four cents.

Sec. 6. *And be it further enacted*, That the one and two cent coins of the United States shall not be a legal tender for any payment exceeding four cents in amount; and so much of the laws of the United States heretofore enacted as are in conflict with the provisions of this act, are hereby repealed.

Approved, March 3, 1865.

March 3, 1865.

Chap. CI. — *An Act to regulate the Fees of Custom-House Officers on the Northern, Northeastern, and Northwestern Frontiers of the United States.*

Fees of custom-house officers on northern, northeastern, and northwestern frontiers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in lieu of the fees now authorized by law to be collected by customs officers on the northern, northeastern, and northwestern frontiers of the United States, there shall be levied and collected: —

Admeasurement of vessels.

For admeasurements of vessels, the fees prescribed by the act entitled "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May six, eighteen hundred and sixty-four.

1864, ch. 83, § 4. *Ante*, p. 72.

Certificate of registry, &c.; of enrolment.

Certificate of registry, including bond, two dollars and twenty-five cents. Indorsement on register, one dollar.

Certificate of enrolment, including bond on vessel not exceeding fifty tons, one dollar; on vessel of above fifty and not exceeding one hundred and fifty tons, one dollar and fifty cents; on vessel of over one hundred and fifty tons, two dollars.

License.

License, including bond on vessel of not over one hundred and fifty tons, one dollar; on vessel of over one hundred and fifty tons, one dollar and fifty cents.

Indorsement on license of change of master, including master's oath, fifty cents.

Certifying manifest, and granting clearance for a licensed vessel to go from district to district, on vessel of fifty tons or under, twenty-five cents; on vessel of over fifty tons, fifty cents. Manifest and clearance.

Receiving certified manifest and granting permit to unlade on entry of a vessel from any other district, on vessel of fifty tons or under, twenty-five cents; on vessel of over fifty tons, one dollar.

Entry of a vessel from a foreign port otherwise than by sea, if vessel of fifty tons or under, fifty cents; if of over fifty tons, one dollar; and the same fees for clearance of like vessels to foreign ports. Entry of vesse and clearance.

Receiving manifest of goods brought into the United States from foreign countries adjoining said frontiers by land vehicles, and permit to unlade the same, twenty-five cents. Manifest and permit to unlade.

Receiving manifest of baggage of passengers arriving from foreign countries, adjoining said frontiers, including permit to unlade the same, twenty-five cents.

Granting permit to a vessel not belonging [to] a citizen of the United States to go from district to district, two dollars, and [the] same fee for receiving manifest and granting permit to unlade such vessel on arrival in a district from another district. Permit to go from district to district and unlade.

Entry of goods imported from any foreign port or place for consumption, warehousing, re-warehousing, transportation or exportation, entry, including official certificate or oath on entry or to invoice, fifty cents, and for every post entry, forty cents. Entry of goods.

Permit to land or deliver goods not above provided for, twenty-five cents. Permit to land.

Official bonds not herein provided for, each one dollar. Official bonds.

Debenture *on* [or] other official certificate not herein provided for, twenty-five cents. Debenture.

Bill of health, twenty-five cents. Bill of health.

Crew-list, including bond, one dollar. Crew-list.

Protection, fifty cents. Protection.

Recording bill of sales, mortgages, hypothecations, or conveyances, fifty cents each, and certified copies thereof, fifty cents each. Recording bill of sale, mortgage, &c.;

Recording certificates for discharging and cancelling such conveyances, fifty cents; copies thereof, twenty-five cents. certificates of discharge.

Certificate setting forth the names of the owners of a vessel, with their respective interest, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance, the date and amount of such incumbrance, and the parties thereto, one dollar: *Provided*, That no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded unless the same is duly acknowledged before a notary public or other officer authorized to take acknowledgments of deeds. Certificate stating names of owners, &c. Bill of sale, &c., not to be recorded unless acknowledged

APPROVED, March 3, 1865.

CHAP. CII. — *An Act granting Land to the State of Michigan, to aid in building a Harbor and Ship-Canal at Portage Lake, Keweenaw Point, Lake Superior.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the State of Michigan the right of locating and constructing a breakwater and harbor and ship-canal through any public lands at or upon the neck of land on Lake Superior known as "The Portage:" *Provided*, That not more than one thousand feet in width on the bank of Lake Superior shall be occupied by said breakwater and harbor, and that a strip of land not more than four hundred feet in width on said neck of land shall be occupied by said canal: *And provided, further*, That said ship-canal shall be at least one hundred feet in width, with a depth of water not less than thirteen feet. The State of Michigan may locate, &c., a ship-canal, &c., through "The Portage." Limit to grant. Width and depth of canal.

Grant to Michigan of public lands to aid in building ship-canal.

How and where selected.

Proviso.

Sec. 2. *And be it further enacted*, That there be, and hereby is, granted to the said State of Michigan, for the purpose of aiding said state in constructing and completing a harbor and ship-canal to connect the waters of Lake Superior with the waters of Portage Lake, two hundred thousand acres of public lands, to be selected in subdivisions agreeably to the United States survey, by an agent or agents appointed by the governor of said state, subject to the approval of the Secretary of the Interior, from any lands in the upper peninsula of said state, subject to private entry: *Provided*, That said selections shall be made from alternate and odd-numbered sections of land nearest the location of said canal in said upper peninsula, not otherwise appropriated, and not from lands designated by the United States as "mineral" before the passage of this act, nor from lands to which the rights of preëmption or homestead have attached.

Lands granted to be subject to disposal by the state.

Canal to be public highway, and no charge to United States vessels.

Sec. 3. *And be it further enacted*, That the said lands hereby granted shall be subject to the disposal of the legislature of said state, or, if the legislature thereof shall not be in session, or shall adjourn within ten days after the passage and approval of this act, then said lands shall be subject to the disposal of the governor and board of control of said state, for the purpose aforesaid and for no other; and the said canal shall be and remain a public highway for the use of the government of the United States, free from toll or charge upon the vessels of said government, or upon vessels employed by said government in the transportation of any property or troops of the United States.

Route of canal to be established before lands are disposed of.

Sec. 4. *And be it further enacted*, That before it shall be competent for said state to dispose of any of said lands, to be selected as aforesaid, the plan of said breakwater and harbor, and the route of said canal shall be established as aforesaid, and a plat or plats thereof shall be filed in the office of the War Department, and a duplicate thereof in the office of the commissioner of the general land-office.

Unless canal, &c., completed in two years, land to revert.

Sec. 5. *And be it further enacted*, That if the said breakwater, harbor, and ship-canal shall not be completed within two years from the passage of this act, the lands hereby granted shall revert to the United States.

Account of sales of lands, and net proceeds and earnings and expenditures to be kept.

When state reimbursed, tolls to be such only as shall pay expenses of canal.

Sec. 6. *And be it further enacted*, That the legislature of said state shall cause to be kept an accurate account of the sales and net proceeds of the lands hereby granted, and of all expenditures in the construction, repairs, and operating of said canal, and of the earnings thereof, and shall return a statement of the same annually to the Secretary of the Interior; and whenever said state shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances, until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said state shall be allowed to tax for the use of said canal only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repair of the same.

Approved, March 3, 1865.

March 3, 1865.

Chap. CIII. — *An Act to extend the Time for the Completion of certain Railroads to which Land Grants have been made in the States of Michigan and Wisconsin.*

Additional lands granted to Michigan, to aid in construction of certain railroads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Michigan, for the purpose of aiding in the construction of a railroad from Marquette, on Lake Superior, to the Wisconsin state line, at or near the mouth of the Menomonee River, for the benefit and use of the Chicago and Northwestern Railway Company, a corporation of the States of Michigan, Illinois, Wisconsin, and from Marquette to Ontonagon, for the use and benefit of the Marquette and Ontonagon Railroad Company, a corporation of the State of Michigan, and for twenty miles westerly from Marquette of the Bay de Noquet and Marquette Railroad, for the benefit and use of the Bay de Noquet and Mar-

quette Railroad Company, four additional alternate sections of land, per mile, to that already granted by act of congress approved June third, A. D. eighteen hundred and fifty-six, and joint resolution supplementary thereto, to be selected upon the same conditions, restrictions, and limitations as are contained in the act of congress entitled "An act making a grant of lands to the State of Michigan, in alternate sections, to aid in the construction of railroads in said state," approved June third, eighteen hundred and fifty-six: *Provided*, That the land to be so located by either of said roads shall be selected from the alternate sections, designated by odd numbers, within twenty miles of the line of said road.

1856, ch. 44. Vol. xi. p. 21.

Lands how selected.

SEC. 2. *And be it further enacted*, That the lands granted by said act of congress and by this act shall be disposed of only in the following manner, that is to say: When the governor of the State of Michigan shall certify to the Secretary of the Interior that any ten consecutive miles, upon the route of either of said roads, is completed in a good and substantial manner, as a first-class railroad, then the Secretary of the Interior shall cause a certificate or certificates to issue to said state for one hundred sections of land, for the benefit and use of such company, and so from time to time for each completed section of ten miles of either of said roads, one hundred sections of land, until the whole shall be completed: *Provided*, That none of the additional lands granted by this act for that portion of the Marquette and Ontonagon Railroad now completed shall be certified to the State of Michigan, by the terms hereof, until the said railroad shall be completed from a point twenty miles west of Marquette to Ontonagon; and that none of the additional lands granted by this act for that portion of the railroad from Marquette to the Wisconsin state line at or near the mouth of the Menomonee River, now completed, shall be so certified until the said railroad shall be completed from Bay de Noquet to the said Wisconsin state line at or near the mouth of the Menomonee River aforesaid.

Lands how disposed of.

Certificate to issue as building of roads goes on.

Marquette and Ontonagon railroad.

Road from Marquette to Wisconsin state line.

SEC. 3. *And be it further enacted*, That the time limited for the completion of the road from Marquette to the Wisconsin state line, at or near the mouth of the Menomonee River, be, and the same is hereby, extended for the term of five years, from and after the third day of June, A. D. eighteen hundred and sixty-six.

Time for completing road from Marquette to Wisconsin state line extended.

SEC. 4. *And be it further enacted*, That no lands to be set apart for the road from Marquette to Bay de Noquet, and from Marquette to Ontonagon, shall be selected and certified east of that portion of the range line dividing ranges twenty-six and twenty-seven, that is, south of the township line between townships forty-seven and forty-eight, nor south of that portion of the township line dividing townships forty-seven and forty-eight, that lies east of the dividing range line above named; and that no lands to be set apart for the road from Marquette, on Lake Superior, to the Wisconsin state line, at or near the mouth of the Menomonee River, shall be selected and certified west of that portion of the range line dividing ranges twenty-six and twenty-seven, that is, north of the township line dividing townships forty-two and forty-three, nor north of the township line dividing townships forty-seven and forty-eight; and that, for the purpose of making up any deficiency of lands to which the line of road from Marquette to Bay de Noquet may be entitled to make its grant equal to ten sections to the mile, the same shall be certified on the route from Marquette to Ontonagon, within twenty miles of the line of said road, and east of the range line dividing ranges thirty-one and thirty-two, and in accordance with the provisions hereinbefore contained. And that, whenever the governor of the State of Michigan shall certify to the Secretary of the Interior that twenty consecutive miles of the line of road from Marquette to Bay de Noquet has been completed in a good and substantial manner, as a first-class railroad, the Secretary of the Interior shall cause to be issued to said State of Michigan, for the use and benefit of the

Lands for road from Marquette to Bay de Noquet and to Ontonagon.

Where to be selected and certified.

Lands for road from Marquette to Wisconsin state line.

Deficiency of lands for road from Marquette to Bay de Noquet.

Certificates of lands for road from Marquette to Bay de Noquet to be issued as road is built.

Bay de Noquet and Marquette Railroad Company, assignee of the State of Michigan, a certificate or certificates for two hundred sections of land, to be selected and located from the sections designated by odd numbers, on the line from Marquette to Ontonagon, and within twenty miles of said line.

Selection and location.

Time for completing road from Fond du Lac to Wisconsin state line extended.

Sec. 5. *And be it further enacted*, That the time for the completion of the railroad from Fond du Lac, on Lake Winnebago, to the Wisconsin state line, at or near the mouth of the Menomonee River, shall be, and hereby is, extended for the period of five years from and after the third day of June, one thousand eight hundred and sixty-six; and that any and all grants of land to said road shall continue and remain in full force and effect.

Each road to grade twenty miles in two years, and twenty miles each year thereafter.

Lands to revert, if, &c.

Sec. 6. *And be it further enacted*, That each of said companies shall grade, in a good and substantial manner, ready for the ties, twenty miles of its road within two years, and twenty miles additional thereof in each year thereafter: *Provided*, That if said companies, or either of them, shall neglect or fail to do so, or to complete its road within the time herein specified, the land granted to such company shall revert to the United States.

Approved, March 3, 1865.

March 3, 1865.

Chap. CIV. — *An Act to establish certain Post-Roads.*

Certain post-roads established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post-roads: —

California.

CALIFORNIA.

From San José to Alviso.

From Santa Clara to Alviso.

From Virginia City in Nevada, via Crystal Peak, Donner Lake, Summit Valley, and Dutch Flat, to Sacramento.

From Folsom to Coloma, Nevada.

From Monterey, via Watsonville, to San Francisco.

From Murpheys, via Bigtrees, Big Springs, Silver Valley, to Silver Mountain, and thence, via Mount Bullion, Markleville, Carey's Mills, and Fredericksburgh, to Geneva.

From Austin, Lander County, to Ione City.

From Wellington Station, on West Walker River, by Walker's Lake, Deep Well Station, Kentucky District, Hot Spring, Mammoth District, Ione City, the county seat of Nye County, St. Augustine and Washington districts, Canon City, and Middletown, to the city of Austin, the county seat of Lander County.

Nevada, Idaho, Montana.

NEVADA AND TERRITORIES IDAHO AND MONTANA.

From Unionville, the county seat of Humboldt County, via Star City, Dun Glen, Moore's and White's Ranch, Pah Ute Knob, in the State of Nevada, the Owyhee and Jardans Creek mines, Boise City, Idaho City, Centreville, and Placerville, in the Territory of Idaho, to Virginia City, in the Territory of Montana.

Illinois.

ILLINOIS.

From Savanna, in Carroll County, via Baker's Spring, to Morrison, in Whiteside County.

From Carthage, in Hancock County, via Jacob K. Jacob's store, Durhams, and McQueen's Mill, to Burlington, Iowa.

From Newport, Vermillion County, Indiana, to Ridge Farm, Vermillion County, Illinois.

From Cerro Gordo, Piatt County, on the Great Western Railroad, to Lovingston, Moultrie County.

From Richmond, via Elgin, Clintonville Junction, and Cottage Grove, to Chicago.

From Marion, Williamson County, via Harrisburg, Saline County, to Shawneetown.

From Waterloo, Monroe County, to Red Bud, in Randolph County.

From Platteville, via Kendall and Specie Grove, to Yorkville.

INDIANA. Indiana.

From Wabash, in Wabash County, via Emmon's Church and Roanna, to Nicouzah, in Miami County.

From Farmland, Randolph County, to Hagerstown, in Wayne County.

IOWA. Iowa.

From Charles City, via Howardsville, Huntsville, Busti, Howard, and Vernon Springs, to New Oregon.

From State Centre, Marshall County, via Minerva, Illinois Grove, New Providence, Quebec, Point Pleasant, and Cottage, to Iowa Falls.

From Muscatine, Iowa, via Buffalo Prairie, Millersburg, and Aledo, to Monmouth, in Illinois.

From Decatur City, Iowa, via Terre Haute, to Eagleville, Missouri.

From Decatur City, via Hopeville, to Afton.

From Hampton to Marble Rock.

From Winthrop to Fayette.

From Chariton, Lucas County, via Garden Grove, to Leon, Decatur County.

From New Oregon, Iowa, to Preston, Minnesota.

From Fort Dodge, via Eagle Grove, Grant, Belmond, and Upper Grove, to Clear Lake.

From Alden, via Oakland, Wall Lake, Grant, and Eagle Grove, to Dakota, in Humboldt County.

From Algona, Iowa, via Armstrong's Grove, to Charin Lakes, thence to intersect the route from Blue Earth City to Isterville.

From Bedford, Taylor County, via Buchanan, Bradyville, College Spring, Walaen's Grove, to Hamburg, Fremont County.

CONNECTICUT. Connecticut.

From Cornwall Bridge, via Cornwall and Milton, to Litchfield.

KENTUCKY. Kentucky.

From Mount Vernon to Somerset.

From Irvine, Estell County, to Vienna, Clarke County.

From McKee, in Jackson County, to Big Hill, in Madison County.

From Whiteley Court-house to John Davis, in Whiteley County.

MAINE. Maine.

From Sherman, via Sherman's Mills, to Golden Ridge, in Aroostook County.

From Fort Fairfield, via Eaton Grant, to Caribou, in Aroostook County.

From Waldoboro to Friendship.

From Belfast, through Waldo, Brooks, Knox, Thorndike, Unity, and Benton, to Fairfield.

MICHIGAN. Michigan.

From Grand Ledge, Eaton County, via Eagle, to Portland, in Ivonia County.

From Dowagiac, Cass County, to Volinia, in same county.

From Climax Prairie to Galesburgh, — on the Michigan Central Railroad, — in Kalamazoo County.

From Flint, via Davison, to Lapeer.

From Hillsdale, via Frontier, to Amboy.

From Otisco, Ionia County, via Ashley and White Swan, to Courtlandt Centre, in same county.

From Manistee, Mason County, to Stromach, in same county.

Minnesota.

MINNESOTA.

From Elk River, Sherburne County, to Princeton, in Mille *Sac* [Lac] County.

From Minneapolis, via Crystal Lake, Osseo, Maple Grove, and Wassan, to Monticello.

From Winnebago Agency, Blue Earth County, to Minnesota Lake, Faribault County.

From Elk River, Sherburne County, to Princeton, Mille Lac County.

From Mantonville to Madison.

From Mankato to New Ulm.

From New Ulm to Redwood Falls.

New York.

NEW YORK.

From Keene, in Essex County, to Keene Flats.

From Cannonsville to Rocky Rift, in Delaware County.

From Cannonsville to Unadilla, in Otsego County.

From Danby to West Danby, in Tompkins County.

From West Hurley to Woodstock, in Ulster County.

From Saugerties, in Ulster County, to Hunter Village, in Greene County.

From Malone, Franklin County, to Trout River, in same county.

From Walton to Downsville, in Delaware County.

From Rushville, via Reed's Corners, to Canandaigua.

From Manorville, via Eastford and Speonk, to West Hampton.

From Haneoze, via Hemlock Lake, Livonia, to Livonia Station.

From Morley, Saint Lawrence County, to Madrid, in the same county.

Ohio.

OHIO.

From East Liverpool, Columbia County, via Calcutta, Spruce Vale, Clarkson, Carmel, and Fairfield, to Waterford.

From Youngston, Mahoning County, Ohio, to Sharon, Mercer County, Pennsylvania.

From Logan, Hocking County, to South Bloomingville, in same county.

From Ottawa, Putnam County, in a westerly direction along or near the northern bank of Blanchard River, and northeastern bank of the Auglaize River to Charlove, Paulding County.

From Farmer, Defiance County, westward to Milo, in same county, and from Milo northward to Edgerton, in Williams County.

From Delta, Fulton County, to Liberty Centre, Henry County.

From Hamilton, via Millville, Bunker Hill, and Reily, Ohio, to Springfield, Indiana.

Pennsylvania.

PENNSYLVANIA.

From Lebanon, via Mount Zion and Greble, to Mount Ætna.

From Brady's Bend to Hillville.

From Smethport, McKean County, to Wilcox, Elk County.

From Herndon, in Lower Mahoning township, Northumberland County, via Jordan township, to Klingerstown, in Schuylkill County.

From Linden to Linden Station, on the Philadelphia and Erie Railroad.

From Emlenton, Venango County, to Shippensville, Clarion County.

From Rockland, Venango County, via Cranberry, to Laytonia, in said county.

From Callensburg, Clarion County, to Cranberry, Venango County.

From Greenville, Clarion County, to Kerr's store, in said county.

Vermont.

VERMONT.

From East Berkshire, via Montgomery and Belvidere, to Eden.
From Windsor, Vermont, via Plainfield, to Meriden, New Hampshire.
From Pittsfield, via South Chittenden and East Pittsford, to Rutland.

Arizona.

ARIZONA.

From Agua Caliente to La Paz.
From Tucson, via Tubac, to Patagonia Mines.
From Tubac, via Cerro Colorado, Fresnal, and Cabibi, to Tucson.
From Casa Blanca, via Weaver, Walnut Grove, and Upper Hassa y Ampa, to Prescott.
From La Paz, via Williamsport, Castle Dome City, Laguna, Arizona City, to Fort Yuma.
From Prescott to Mojave City.
From Mojave City to Los Angelos, via San Bernardino.
From Mojave City, via Aubry, to La Paz.
From Mojave City, via Santa Clara, to Fillmore City, in the Territory of Utah.

Dakota.

DAKOTA.

From Bon Homme, via Spring Lakes, to Ponca Agency, in Todd County.
From Pembina to Saint Joseph.

Idaho.

IDAHO.

From Placerville, via Washington, to Florence.
From Elk City to Virginia City, in the Territory of Montana.
From Boise City to Bannock City, in the Territory of Montana.

Maryland.

MARYLAND.

From Butler Post-Office to Mantua Mills, in Baltimore County.

New Mexico.

NEW MEXICO.

From Fort Union, via Antonchico, Agua Negra, Fort Sumner, Fort Stanton, and Tularoza, to Mesilla.
From Albuquerque, via Chilili, Tajique, Manzano, Punta de la Agua, Fort Stanton, Tularoza, to Franklin, Texas.
From Santa Fé, via Santa Cruz, Los Luceros, Abiquin, to Sierra Amarilla.
From Paraje, via Alamosa el Bointo and Santa Barbara, to Dona Ana.
From Santa Fé, via Pena Blanca, Santo Domingo, Cuvora, Algodones, San Isdora, to Canon de Jemez.

New Hampshire.

NEW HAMPSHIRE.

From Rochester, Strafford County, via Strafford Corner, Blue Hills, and Clark's Corner, to Centre Barnstead, in Belknap County.

Wisconsin.

WISCONSIN.

From City of Appleton, Outagami County, to the town of Osborn, via Freedom, in said county.

Oregon.

OREGON.

From Auburn, via Pocahontas, Riggsville, and Dealy's Station, to Umatilla, with a branch to Granite Creek Mines and Independence City, from Dealy's Station.

Kansas.

KANSAS.

From Topeka, Shawnee County, to Ottawa.
From Twin Mound, in Douglas County, to Auburn, in Shawnee County.

From Junction City, up Lynn Creek, to Marion Centre, in Marion County.

From Eureka, in Greenwood County, to Albany, in Wilson County.

From Neosha Falls to Albany, Wilson County.

From Washington, via Hadden, to Salt Marsh, in Republic County.

From Garnett, in Anderson County, to Fort Scott, in Bourbon County.

From America, in Jackson County, via Seneca, to Pawnee, in Nebraska.

From Humboldt, in Allen County, to Catholic Mission, in Neosha County.

From Humboldt, via Grey Stone, to Albany, in Wilson County.

From Seneca, Nehema County, via Pleasant Valley, Nebraska, to Miles Ranch, in Richardson County.

Approved, March 3, 1865.

March 3, 1865.

Chap. CV. — *An Act extending the Time for the Completion of certain Land-grant Rail roads in the States of Minnesota and Iowa, and for other Purposes.*

Additional land granted to Minnesota for railroads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the quantity of lands granted to the State of Minnesota, to aid in the construction of certain railroads in said state, as indicated in the first section of an [act] entitled "An act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said state," approved March third, eighteen hundred and fifty-seven, shall be increased to ten sections per mile for each of said railroads and branches, subject to any and all limitations contained in said act and subsequent acts, and as hereinafter provided.

1857, ch. 99. Vol. xi. p. 195.

Lands granted to be taken within twenty miles of the road.

Sec. 2. *And be it further enacted*, That the first proviso in the first section of the act aforesaid shall be so amended as to read as follows, to wit: *Provided*, That the land to be so located shall in no case be further than twenty miles from the lines of said roads and branches, to aid in the construction of each of which said grant is made; and said lands granted shall, in all cases, be indicated by the Secretary of the Interior.

Lands before reserved excepted from this act, except, &c.

Sec. 3. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operations of this act, except so far as may be found necessary to locate the route of said road through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States: *Provided, further*, That any lands which may have been granted to the Territory or State of Minnesota for the purpose of aiding in the construction of any railroad, which lands may be located within the limits of this extension of said grant or grants, shall be deducted from the full quantity of lands hereby granted, and that any lands which may have been so granted shall be strictly applied in accordance with the terms and conditions of said act or acts, unless subsequently modified by law.

Lands granted to the state for railroads included in this grant to be deducted.

Remaining lands not to be sold for less than double the minimum price.

To be first offered at public sale.

Bona fide settlers may purchase.

Sec. 4. *And be it further enacted*, That the sections and parts of sections of land, which by said acts and this grant shall remain to the United States, within ten miles on each side of said roads and branches, shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided*, That actual bona fide settlers under the preëmption laws of the United States may, after the proof of settlement, improvement, and occupation, as now provided by

law, purchase the same at the increased minimum price: *And, provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

Settlers under homestead act.

SEC. 5. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the legislature of the State of Minnesota, for the purposes aforesaid, and no other. And the said railroads and branches shall be and remain public highways for the use of the government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

Lands granted to be disposed of by the legislature of Minnesota.

Railroads to be public highways.

SEC. 6. *And be it further enacted*, That the lands hereby and heretofore granted to said Territory or State of Minnesota shall be disposed of by said state for the purposes aforesaid only, and in manner following, namely: When the governor of said state shall certify to the Secretary of the Interior that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner, as a first-class railroad, and the said secretary shall be satisfied that said state has complied in good faith with this requirement, the said Secretary of the Interior shall issue to the said state patents for all the lands granted and selected as aforesaid, not exceeding ten sections per mile, situated opposite to and within a limit of twenty miles of the line of said section of road thus completed, extending along the whole length of said completed section of ten miles of road, and no further. And when the governor of said state shall certify to the Secretary of the Interior, and the secretary shall be satisfied that another section of said road, ten consecutive miles in extent, connecting with the preceding section or with some other first-class railroad, which may be at the time in successful operation, is completed as aforesaid, the said Secretary of the Interior shall issue to the said state patents for all the lands granted and situated opposite to and within the limit of twenty miles of the line of said completed section of road or roads, and extending the length of said section, and no further, not exceeding ten sections of land per mile for all that part of said road thus completed under the provisions of this act and the act to which this is an amendment, and so, from time to time, until said roads and branches are completed. And when the governor of said state shall so certify, and the Secretary of the Interior shall be satisfied that the whole of any one of said roads and branches is completed in a good, substantial, and workmanlike manner, as a first-class railroad, the said Secretary of the Interior shall issue to the said state patents to all the remaining lands granted for and on account of said completed road and branches in this act, situated within the said limits of twenty miles from the line thereof, throughout the entire length of said road and branches: *Provided*, That no land shall be granted or conveyed to said state under the provisions of this act on account of the construction of any railroad or part thereof that has been constructed under the provisions of any other act at the date of the passage of this act, and adopted as a part of the line of railroad provided for in this act: *And provided*, That nothing herein contained shall interfere with any existing rights acquired under any law of congress heretofore enacted making grants of land to the State of Minnesota to aid in the construction of railroads: *And provided, further*, That said lands, granted by this or prior acts, shall not in any manner be disposed of, except as the same are patented under the provisions of this act; and should the state fail to complete any one of said roads or branches within eight years after the passage of this act, then the said lands undisposed of as aforesaid, granted on account of said road or branches, shall revert to the United States.

Mode of disposing of the lands.

Patents to issue from time to time as portions of the road are built, &c.

Lands not to be conveyed for certain roads.

Existing rights not interfered with.

Lands not to be disposed of except as patented under this act.

When to revert to the United States.

SEC. 7. *And be it further enacted*, That as soon as the governor of the said State of Minnesota shall file or cause to be filed with the Secretary

Lands to be withdrawn from

market as soon as maps of road, &c., are filed.

of the Interior maps designating the routes of said road and branches, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

Mails to be transported.

Sec. 8. *And be it further enacted*, That the United States mail shall be transported on said road, under the direction of the Post-Office Department, at such price as congress may by law provide: *Provided*, That until such price is fixed by law, the Postmaster-General shall have power to fix the rate of compensation.

This act to apply to portion of line vacated, &c.

Vol. xii. p. 624.

Sec. 9. *And be it further enacted*, That the provisions of this act shall also be construed so as to apply and extend to that portion of the line authorized to be vacated by the joint resolution approved July twelfth, eighteen hundred and sixty-two, entitled "A joint resolution authorizing the State of Minnesota to change the line of certain branch railroads in said state, and for other purposes," notwithstanding the vacation thereof by said state, as though said joint resolution had not passed, and also to the line adopted by said state, in lieu of the portion of the line so vacated.

Time for completing certain roads in Iowa extended.

1856, ch. 28, § 4. Vol. xi. p. 10.

Sec. 10. *And be it further enacted*, That the time mentioned in an act entitled "An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said state," for the completion of the railroads named in said act, be, and the same is hereby, extended two years.

Maps of change of location of Burlington and Missouri River Railroad to be filed in three months.

1864, ch. 196, § 2. *Ante*, p. 335.

Sec. 11. *And be it further enacted*, That the last clause of the second section of an act entitled "An act to regulate the compensation of registers and receivers of the land-offices in the several states and territories, in the location of lands by states and corporations under general grants from congress, and for other purposes," be, and the same is hereby, so amended as to read: "A map of the change shall be filed with the commissioner of the general land-office within three months after the said change of location shall be made."

Approved, March 3, 1865.

March 3, 1865.

Chap. CVI. — *An Act to regulate the Taking of Depositions in certain Cases.*

Defendants in criminal cases in the District of Columbia may have commissions to take testimony.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any defendant in a criminal case, in the District of Columbia, either after preliminary examination, indictment, or information, may examine witnesses on commission in such manner as is hereinafter prescribed.

Who to be commissioner.

Sec. 2. *And be it further enacted*, That a defendant wishing to take the deposition of a witness residing more that one hundred miles from the city of Washington may select any of the following officers as a commission[er] to take such deposition: the clerk or judge of any court of record, or any notary public, or any consul of the United States, either by the name of office of such officer, or by his individual name and official style; and the name of the court of which such constituted commissioner is clerk or judge, and the name of the state and county, or if without the United States the name of the state and town, or city, in which such notary or consul resides must be stated in the notice and in the commission.

Commission to state what.

Notice to district attorney.

Sec. 3. *And be it further enacted*, That five days' notice must be given by a defendant, or his or her attorney, of the time when a commission will be sued out of the office of the clerk of the criminal court for the District of Columbia for taking the deposition of the witness, (giving the name of the witness,) which notice must be accompanied with a copy of the interrogatories to be asked such witness.

Cross-interrogatories by district attorney, or by clerk.

Sec. 4. *And be it further enacted*, That at or before the time fixed in the notice, the district attorney may file cross-interrogatories; but if he fail so to do, the clerk shall file the following: —

1. Are all of your statements in the foregoing answers made from your personal knowledge; and if not, do your answers show what are made

from your personal knowledge, and what from information, and the source of that information? If not, now show what is from information, and give its source.

2. State everything you know concerning this case favorable to either the government or the defendant.

Service of notice and copy of interrogatories.

SEC. 5. *And be it further enacted*, That the notice and copy of interrogatories may be served and returned in the same manner and by the same officers or persons as is provided by law for the service and return of a summons or subpœna in civil actions within the District of Columbia.

Commission, how to issue, and what to contain.

SEC. 6. *And be it further enacted*, That the commission shall issue in the name of the criminal court, and under its seal, and must be signed by the clerk, and need contain nothing but the authority conferred upon the commissioner and instructions to guide him, a statement of the cause in which the testimony is to be used, and a copy of all the interrogatories filed appended.

Duties of the commissioner.

SEC. 7. *And be it further enacted*, That the person before whom any of the depositions above contemplated are taken must cause the interrogatories appended to the commission to be written out, and the answers thereto to be inserted immediately underneath the respective questions; the whole, when completed, being read over by or to the witness, must be by him or her subscribed and sworn to in the usual manner.

Exhibits to be appended.

SEC. 8. *And be it further enacted*, That all exhibits produced before the person taking the deposition, or proved or referred to by any witness, or correct copies thereof, must be appended to the depositions, and returned with them, unless sufficient reasons be shown for not so doing.

Commissioner to attach his certificate.

Contents of certificate.

Return.

SEC. 9. *And be it further enacted*, That the person taking the deposition shall attach his certificate thereto, stating that it was subscribed and sworn to by the deponent at the time and place therein mentioned; the whole, including the commission and interrogatories, must then be sealed up and returned to the clerk of the criminal court of the District of Columbia, by mail, unless the defendant and the district attorney agree upon some other mode; and, when received by said clerk, he shall open the package and place the deposition on file in his office.

Substantial compliance with directions to be sufficient.

SEC. 10. *And be it further enacted*, That unimportant deviations from any of the above directions shall not cause the deposition to be excluded where no substantial prejudice could be wrought to the government by such deviation.

Court may establish further rules.

SEC. 11. *And be it further enacted*, That, subject to the regulations hereinbefore contained, the court may establish further rules for taking depositions and all other acts connected therewith.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CVII. — *An Act supplemental to the Act approved first July, eighteen hundred and sixty-four, "for the Disposal of Coal Lands and of Town Property in the Public Domain."*

1864, ch. 205. *Ante*, p. 343.

Citizens actually engaged in coal mining on public lands may enter 160 acres, at $20 an acre.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of any citizen of the United States who, at the passage of this act, may be in the business of bona fide actual coal-mining on the public lands, except on lands reserved by the President of the United States for public uses, for purposes of commerce, such citizen, upon making proof satisfactory to the register and receiver to that effect, shall have the right to enter, according to legal subdivisions, a quantity of land not exceeding one hundred and sixty acres, to embrace his improvements and mining premises, at the minimum price of twenty dollars per acre, fixed in the coal and town property act of first July, eighteen hundred and sixty-four: *Provided*, That where the mining improvements and premises are on land surveyed at the passage of this act, a sworn declaratory statement descriptive of the tract and premises, showing also the extent and character of the improvements, shall be filed

Description of premises, when to be filed.

Proof and payment.

within six months from the date of this act; and proof and payment shall be made within one year from the date of such filing; but where such mining premises may be on lands hereafter to be surveyed, such declaratory statement shall be filed within three months from the return to the district land-office of the official township plat; and proof and payment shall be made within one year from the date of such filing.

Town or city sites on the public lands.

SEC. 2. *And be it further enacted*, That in the case of any city or town which, at the passage of this act, may be existing on the public lands, in which the lots therein may be variant as to size from the limitation fixed in the said act of first July, eighteen hundred and sixty-four, and in which the lots and buildings as municipal improvements shall cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim, under said act of first July, eighteen hundred and sixty-four, effect to be given to this act according to such regulations as may be prescribed by the Secretary of the Interior: *Provided*, That the minimum price of each said lots in any such town or city, which may contain a greater number of square feet than the maximum named in the act to which this is an amendment, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish: *Provided, further*, That where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town lots to be acquired shall be subject to such recognized possession and the necessary use thereof: *Provided, however*, That nothing contained herein shall be so construed as to recognize any color of title in possessors for mining purposes as against the government of the United States.

Minimum price of lots.

Mineral veins.

No title recognized in possessors for mining purposes.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CVIII. — *An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act making a Grant of alternate Sections of Public Lands to the State of Michigan, to aid in the Construction of certain Railroads in said State, and for other Purposes.'"*

1864, ch. 110. *Ante*, p. 119.

Time for completing a certain railroad in Michigan extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an act entitled "An act to amend an act entitled 'An act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said state, and for other purposes,'" which said amendatory act was approved June seventh, eighteen hundred and sixty-four, be, and the same is hereby, amended so as to make the last proviso in said section to read as follows, to wit: *Provided, further*, That the time specified in the fourth section of the act hereby amended, for the completion of said road, shall be, and the same is hereby, extended eight years.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CIX. — *An Act to authorize the Issuing of Patents for certain Lands in the Town of Stockbridge, State of Wisconsin, and for other Purposes.*

Patents may issue for certain lands in Stockbridge, Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon satisfactory proof being made that any occupant[s] of unpatented land in the town of Stockbridge, Calumet County, in the State of Wisconsin, which has, by treaty or otherwise, been allotted to any individual members of the Stockbridge or Munsee tribe of Indians, are the purchasers, grantees, or assignees of such members of said tribes, the President of the United States be authorized to issue patents for the land so occupied to such purchasers, grantees, or assignees, respectively: *Provided*, That in case of conflicting claims to any of the lots of land the commissioner of the general land-office is authorized to hear the proofs of the respective claimants, and to decide which of such claimants are justly entitled to said land, and patents shall be issued in accordance with such decision.

Conflicting claims.

Patents to vest the fee subject to valid liens.

SEC. 2. *And be it further enacted*, That patents issued according to this act shall vest in the patentee title to the land described in such patent, in fee simple, subject to any valid lien or incumbrance thereon created by said patentee or those under whom he claims.

Lands in Stockbridge not patented to form part of the Menasha land district.

May be sold.

SEC. 3. *And be it further enacted*, That the lots of land in said town of Stockbridge belonging to the United States, not hereinbefore directed to be patented, shall be attached to and form a part of the Menasha land district, and if, in the opinion of the commissioner of the general land-office, it shall be for the public interest, the same may be sold at the minimum price of three dollars per acre for lots fronting on Lake Winnebago, five dollars per acre for the two tiers of lots fronting on the military road, one tier of lots on each side thereof, and two dollars and fifty cents per acre for the residue of said land to actual settlers thereon possessing the qualifications requisite to acquire preëmption rights, who shall prove to the satisfaction of the register of the land-office at Menasha, Wisconsin, that he or she has made improvements to the value of not less than fifty dollars, and is actually residing upon the land; the time of paying the purchase price may be extended for a period not exceeding one year from the passage of this act: *Provided*, That no such actual settler shall be permitted to preëmpt more than two contiguous lots on which he or she has made improvements of the value of not less than one hundred dollars. The lands not sold within one year as hereinbefore provided, shall be brought into market and sold at not less than the minimum prices fixed by this act.

Time of payment extended to certain purchasers.

Not more than two contiguous lots can be preempted.

Lands when to be brought into market.

APPROVED, March 3, 1865.

CHAP. CX. — *An Act to quiet Titles in Favor of Parties in actual Possession of Lands situated in the District of Columbia.*

March 3, 1865.

Quieting of land-titles 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 all deeds heretofore recorded in the land records of the District of Columbia, which have been executed and acknowledged by femmes covert (their husbands having signed and sealed the same) for conveying any real estate, or interest therein, situated in said district; and all acknowledgements of deeds heretofore recorded, as aforesaid, which have been made by femmes covert (whether they have executed the deed or not) for the purpose of releasing their claims to dower in the lands described therein, situated as aforesaid, in which acknowledgements the form prescribed by law has not been followed; and all deeds heretofore recorded, as aforesaid, which have been executed and acknowledged by an attorney-in-fact, duly appointed for conveying real estate situated in said district; and all deeds heretofore recorded, as aforesaid, executed and acknowledged, or only acknowledged by such attorney-in-fact, for conveying real estate situated in said district, as to which the acknowledgement was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district, acknowledged out of the District of Columbia, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district, acknowledged by an attorney-in-fact, duly appointed, or by an officer of a corporation, duly authorized, who has acknowledged the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, shall be, and the same are hereby, declared to be of

Defective acknowledgments cured.

Defective acknowledgments of deeds in the District of Columbia cured.

the same effect and validity to pass the fee simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned in favor of parties in actual possession, claiming under and through such deeds, as if such deeds had been by such femmes covert executed and acknowledged, or acknowledged in case of a dower right, in the form heretofore prescribed by law; as if such deeds had been executed and acknowledged by the grantor in the deed; as if such power of attorney had been proved before the officer or officers taking the acknowledgment; as if such power of attorney had been proved before two justices of the peace; as if such acknowledgment had been made before any judge of a state court, or before two justices of the peace; as if such attorneys-in-fact or officer of a corporation had acknowledged the deed to be the deed of the grantor or of the corporation; as if such deeds had thereto annexed a certificate, in legal form, that the officer or officers taking the acknowledgment were really what they purport to be: *Provided*, That the certificate of acknowledgement by a femme covert shall show that the acknowledgement was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect: *And provided, also*, That when the power of attorney shall have [been] executed by a femme covert the same shall be effectual and sufficient if there shall have been such an acknowledgement of the same as would be sufficient, under the provisions of this act, to pass her estate and interest therein were she a party executing the deed of conveyance, the record and copy thereof of any deed recorded as aforesaid to be evidence thereof, in the same manner and to have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

Proviso.

Proviso.

Exceptions in favor of parties beyond the district abrogated.

Sec. 2. *And be it further enacted*, That all exceptions in favor of parties beyond the District of Columbia, which may by existing laws be replied or relied on in any action or proceeding brought in said district, are hereby repealed and abrogated: *Provided*, That this section shall not affect the right of parties in actions now pending, and such as may be brought within three years from the passage of this act.

Proviso.

Construction of certain acts of congress concerning the acknowledgment, &c., of deeds in the District of Columbia.

1832, ch. 112. Vol. iv. p. 520.

1838, ch. 57. Vol. v. p. 226.

Sec. 3. *And be it further enacted*, That the acts of congress approved May thirty-first, eighteen hundred and thirty-two, and April twenty, eighteen hundred and thirty-eight, in reference to the acknowledgement and recording of deeds of land situated in said district, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in said district at the passage thereof, and that an acknowledgement made and certified in compliance with any one of said acts, and before any officers authorized by either of said acts to take an acknowledgement, (whether in or out of the District of Columbia,) shall be good and effectual; and if it shall appear that the grantor "acknowledged said deed," it shall have the same effect as if he or she acknowledged the deed to be his or her act and deed. And any acknowledgement made by a femme covert under either of said acts of congress (which shall be sufficient under the provisions of this act) of any deed executed by her husband, and heretofore recorded in the District of Columbia, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in said district, although she shall not have executed the same.

What acknowledgment of married woman sufficient to bar dower.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXI. — *An Act further to Provide for the Verification of Invoices.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all consular officers of the

United States be, and they are hereby, authorized to require before certifying any invoice or invoices under the provisions of the first section of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, satisfactory evidence, either by the oath of the person or persons presenting such invoices or otherwise, that such invoices are correct and true: *Provided*, That in the exercise of the discretion hereby given, the said consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

Consular officers before certifying invoices, may require satisfactory proof of their correctness.

1863, ch. 76. Vol. xii. p. 737.

Approved, March 3, 1865.

Chap. CXII. — *An Act amendatory of "An Act to amend an Act entitled 'An Act to promote the Progress of the useful Arts,' approved March three, eighteen hundred and sixty-three."*

March 3, 1865.

1863, ch. 102. Vol. xii. p. 796.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person having an interest in an invention, whether as inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee, as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided in said act, shall have the right to make an application for a patent for his invention the same as in the case of an original application, provided such application be made within two years after the date of the allowance of the original application: *Provided*, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent aforesaid was ordered to issue. This act shall apply to all cases now in the patent-office, and also to such as shall hereafter be filed. And all acts or parts of acts inconsistent with this act are hereby repealed.

Inventors, &c., who failed to pay the final fee, may apply for patents within two years, &c.

Persons who have used, &c., the article not liable in damages.

Act to apply to what cases.

Approved, March 3, 1865.

Chap. CXIII. — *An Act to amend the third Section of an Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending the thirtieth day of June, eighteen hundred and sixty-five, and for other Purposes," so far as the same relates to Witnesses in the Courts of the United States.*

March 3, 1865.

1864, ch. 210, § 3. *Ante*, p. 351.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes," be, and the same hereby is, amended by adding thereto the following proviso: *Provided, further*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with, or statement by the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

In actions by or against executors, &c., neither party shall testify unless, &c.

Approved, March 3, 1865.

Chap. CXIV. — *An Act in Relation to the Naval Observatory.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act of third of August, one thousand eight hundred and forty-eight, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-nine," as requires that the superintendent of the naval observatory at Washington city shall be a captain, commander, or lieutenant in the navy,

Law requiring the superintendent of the naval observatory to be a captain, &c., repealed.

1848, ch. 121. Vol. ix. p. 266.

be, and is hereby, repealed, and no officer of the navy employed as superintendent shall receive other than the shore-duty pay of his grade.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CXV.—*An Act for the Relief of the Occupants of the Lands of the Ex-mission of San José, in the State of California.*

Rightful occupants of the lands of the ex-mission of San José may enter and purchase the same of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who has the possession rightfully as against all others except the United States, or, being out of possession, is, as against all others except as aforesaid, entitled to the possession of any portion of the tract of land situate in the county of Almeda, State of California, known as the lands of the ex-mission of San José, as included in the map and survey thereof, made October, eighteen hundred and sixty-four, by E. H. Dyer, deputy United States surveyor, shall have the right, and the right is hereby granted to each and every such person, to enter and purchase of the United States, at the sum or price of one dollar and twenty-five cents per acre, such portion of said tract so rightfully possessed by him, her, or them, or to which he, she, or they may so have such right of possession, whether such person claim the same by conveyance from or under Andres Pico and Juan B. Alvarado, or either of them, or by possession only: *Provided, however*, That any person entitled under this act to a parcel of less than eight acres shall in all such cases pay ten dollars for the same.

Proviso.

Persons desiring the benefit of this act to present survey within one year, and written statement.

SEC. 2. *And be it further enacted*, That every person claiming any benefit under this act shall, within one year from the passage thereof, present to the register and receiver of the United States land-office at San Francisco a survey or plat of the portion of said tract claimed by him, her, or them, and which shall exhibit the quarter section or sections, or parts thereof, included in said plat, made by or under the direction of the United States surveyor-general for California, and therewith a written statement setting forth the right of such claimant to enter and purchase such portion under the provisions of this act, and whether the said claimant has acquired the alleged title of said Pico and Alvarado, or either of them thereto, or holds by possession only; and thereupon such register and receiver shall, under such rules as may be prescribed by the commissioner of the general land-office, proceed and take, hear, and examine the evidence which may be offered in support of or against such claim, and, upon the proofs being closed, shall determine upon and decide the same: *Provided*, That no decision of said register and receiver shall be final until approved by the commissioner of the general land-office.

Register and receiver to take evidence, &c.

Proviso.

Person in whose favor final decision is made to have patent.

SEC. 3. *And be it further enacted*, That the claimant in whose favor final decision has been made, upon paying to the receiver of the land-office at San Francisco for the land embraced in such final decision the sum therefor prescribed in the first section of this act, shall be entitled to a patent for such land from the United States, conveying all the interest of the United States therein to such claimant.

Lines of public surveys to be extended over said lands, when, &c.

SEC. 4. *And be it further enacted*, That upon all proceedings under this act being closed, and upon the appeal, taken to the supreme court of the United States by E. L. Beard and others, claimants of said lands against the United States, being dismissed, or the decree appealed from affirmed, the surveyor-general of the United States for California shall cause the lines of the public surveys to be extended over all portions of said land which shall not have been disposed of under the provisions hereof, and thereafter the same shall be disposed of as in the case of other public lands.

APPROVED, March 3, 1865.

CHAP. CXVI. — *An Act to enable the accounting Officers of the Treasury to settle the Claim of the State of Kansas.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized to receive secondary evidence, in lieu of the original vouchers, in support of a claim for expenses incurred by the State of Kansas, provision for reimbursement of which was made by the "Act to indemnify the states for expenses incurred by them in defence of the United States," approved July twenty-seven, eighteen hundred and sixty-one, said original vouchers having been destroyed by fire at the late massacre in Lawrence, Kansas: *Provided*, That, in the settlement of the above-mentioned claim, there shall not be allowed to the State of Kansas a sum exceeding the sum of twelve thousand three hundred fifty-one dollars and four cents ($12,351.04).

Claim of the State of Kansas to be allowed to an amount not exceeding, &c.

1864, ch. 21. Vol. xii. p. 276.

Secondary evidence to be received in lieu of original vouchers.

APPROVED, March 3, 1865.

CHAP. CXVII. — *An Act to extend the Provisions of the first Section of "An Act for the Government of Persons in certain Fisheries," approved June nineteenth, eighteen hundred and thirteen.* March 3, 1865.

1813, ch. 2, § 1. Vol. iii. p. 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the first section of "An act for the government of persons in certain fisheries," approved on the nineteenth of June, in the year one thousand eight hundred and thirteen, shall extend and apply to the master or skipper and seamen of vessels of the burthen of twenty tons or upwards, qualified according to law for carrying on the mackerel fisheries, bound from a port in the United States to be employed in such fisheries, in the same way as if such fisheries had been embraced in said act: *Provided*, That the agreement named in said section shall be duly made, indorsed, and countersigned.

Provisions relating to the cod fishery to apply to mackerel fishery.

Proviso.

APPROVED, March 3, 1865.

CHAP. CXVIII. — *An Act to incorporate the Colored Union Benevolent Association.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gurden Snowden, Charles Brown, James Wright, Sandy Alexander, Henry Logan, Charles Wilson, Henry Brooks, John Shorter, Joseph Shorter, and their associates and successors, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the Colored Union Benevolent Association, located in the city of Washington, and by its corporate name said association shall have perpetual succession, with power to sue and be sued, to implead and be impleaded, in any court of the United States or of the District of Columbia of competent jurisdiction; to receive subscriptions, gifts, and benefits, and to make such rules and by-laws as shall be deemed necessary and expedient for the government of the association, and to alter the same, from time to time, in such mode as shall be prescribed therein: *Provided, always*, That such rules and by-laws shall be in nowise inconsistent with the constitution and laws of the United States, or with the objects of the association. The objects of the association are hereby declared to be to provide for the care and comfort of such members as shall be sick, disabled, or dependent, and of the families of such members, in cases where the proper officers of the association shall deem it expedient, and also to provide for the decent interment of such persons as may die in membership of the association or belonging to the families of such members.

Colored Union Benevolent Association incorporated.

Corporate powers.

By-laws.

Objects of the association.

SEC. 2. *And be it further enacted*, That said association shall have power to hold real estate, or personal and mixed estate, by purchase, gift, or devise, for the purposes of such association and no other, and to

May hold real and personal estate, &c.

lease, sell, or convey such real estate, or mixed estate, or personal property, as may be devised or donated to such association, and the leasing or sale of which will promote the interests of said association.

Act may be altered.

Sec. 3. *And be it further enacted*, That congress shall have the right, at any time, to modify, amend, or repeal this act.

Approved, March 3, 1865.

March 3, 1865.

1864, ch. 190. *Ante*, p. 326.

Chap. CXIX. — *An Act to amend an Act entitled "An Act to incorporate the Metropolitan Railroad Company 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 an act entitled "An act to incorporate the Metropolitan Railroad Company in the District of Columbia," approved July first, eighteen hundred and sixty-four, be, and the same hereby is, amended as hereinafter set forth, namely, that the first section be, and hereby is, amended by striking out all after the words "along H street north to Seventeenth street west, intersecting the double-track road," and inserting: also a double or single track railway, commencing at the intersection of D street north and Four-and-a-half street west, along Four-and-a-half street west to the gate of the arsenal; also a double or single track branch railway, commencing at the intersection of Ninth street west and the Washington canal, along Ninth street west to M street north, along M street north to Twelfth street west, and along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River; also a double or single track branch railway, commencing at the intersection of Massachusetts avenue and H street north, along Massachusetts avenue to K street north, along K street north to the circle, with the privilege of extending the said branch road at any time along K street north to Rock creek, across the bridge over Rock creek to Water street, Georgetown, along Water street in Georgetown to Green street, along Green street to Gay street, and along Gay street and First street to Fayette street, Georgetown, with the privilege of extending at any time the road now in operation from Seventeenth street west to the Capitol, from the present terminus of said road on A street north, along A street north to First street east, along First street east to East Capitol street, along East Capitol street to Ninth street east, along Ninth street east to L street south, with the right to run public carriages thereon, drawn by horse power, receiving therefor a rate of fare not exceeding eight cents per passenger, for any distance between the termini of either of the said main railways, or between the termini of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

Location changed.

Rates of fare.

Road subject to municipal regulations.

Capital stock increased.

Sec. 2. *And be it further enacted*, That section eight be, and hereby is, amended by striking out the words "five hundred thousand dollars, and inserting the words "one million dollars:" *Provided*, That the directors of said Metropolitan Railroad Company shall have power to require the subscribers to the capital stock to pay the amount by them respectively subscribed at such time, in such manner, and in such instalments as they may deem proper; and if any stockholders shall refuse or neglect to pay any instalments, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of said stock as shall pay said instalments, (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due,) under such general regulations as may be adopted in the by-laws of said corporation, or may sue for and collect the same in any court of competent jurisdiction.

Payment.

Stock may be sold in default.

Sec. 3. *And be it further enacted*, That section seventeen be, and

hereby is, so amended as to allow the said corporation three years from the date of the approval of this act in which to complete the railways herein described and those described in the act to which this is an amendment. Time for completion of the road.

SEC. 4. *And be it further enacted*, That the twenty-second section be, and hereby is, amended by striking out the words "at the rate of twenty-five for one dollar," and inserting the words "at the rate of sixteen for the dollar." Package tickets.

SEC. 5. *And be it further enacted*, That the provision prohibiting any exclusion from any car on account of color, already applicable to the Metropolitan Railroad, is hereby extended to every other railroad in the District of Columbia. Color not to exclude persons from cars.

APPROVED, March 3, 1865.

CHAP. CXX. — *An Act to incorporate the Continental Hotel Company of the City of Washington.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lewis Delmonico, of New York City, B. B. French, Henry D. Cooke, John W. Forney, of Washington City, Stephen Flanagan, William Overfield, Jr., J. Warren Brown, of Maine, Thornton Smith, George D. Kellogg, and George Plowman, of Philadelphia, and their associates, and all persons who now or hereafter may be holders of the stock hereinafter mentioned, shall be, and they are hereby, declared to be constituted a body politic or corporate by the style of the Continental Hotel Company, to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and to have, hold, receive, enjoy, and take, either by absolute conveyance in fee simple or upon ground rent, and in case of a conveyance upon ground rent with power to execute the necessary covenant for securing the payment thereof, such real estate as may be necessary or proper for the construction of a hotel in the city of Washington, with such supplementary buildings as may be adapted to and form part of the general plan and design thereof, with power to furnish and equip the same for the accommodation and use of any parties who may be desirous of renting and occupying the same, and the real estate, or any part thereof, when in the opinion of said corporation it may be proper to do so, to sell and to convey to any person or persons who may be desirous of purchasing the same the furniture and equipment thereof. Continental Hotel Company incorporated. Powers.

SEC. 2. [*And be it further enacted*,] That the capital stock of said corporation shall not exceed two million dollars, divided into twenty thousand shares of one hundred dollars each, and that it shall be held as personal property, and may be transferred under such regulations as the corporators shall judge convenient. Capital stock.

SEC. 3. *And be it further enacted*, That a general meeting of the corporators shall be annually held on the second Monday of January, for the election of five managers, and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, one week's public notice thereof being first given in at least two daily newspapers in the city of Washington. Annual meeting. Managers.

SEC. 4. *And be it further enacted*, That the election of managers shall be by ballot from among the corporators, and that in the enactment of by-laws for the government of the corporation and its officers, and in the decision of all questions, whether of election of officers or disfranchisement of corporators, either because of their delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all questions at the meetings of the corporation, the corporators present, either in person or by proxy, shall severally vote once for each share of stock held by them. Election of managers. Votes, proxies.

Officers.

Vacancies.

Quorum.

SEC. 5. *And be it further enacted*, That the managers shall continue in office until their successors are elected; they shall elect a president from among themselves, supply vacancies in their number, whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the corporators. Three members shall be a quorum at these meetings.

Corporators to be managers until, &c.

SEC. 6. *And be it further enacted*, That until other officers shall be duly elected, the persons named in the first section of this act shall be held to be managers of the said corporation, and shall have power and authority as such.

Act may be amended.

SEC. 7. *And be it further enacted*, That congress may at any time hereafter alter, amend, or repeal this charter.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CXXI. — *An Act providing for the Confinement of juvenile Offenders against the Laws of the United States in Houses of Refuge.*

Confinement of juvenile offenders convicted in any court of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime by any court of the United States, the punishment whereof shall be imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Secretary of the Interior, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such shall have occurred; or if such conviction be had in the District of Columbia, then, and in such case, the transportation and delivery shall be by the warden of the jail of said district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Secretary of the Interior, out of the judiciary fund.

Secretary of Interior to contract for their subsistence, &c.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and to give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of said offenders; and such offenders shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Secretary of the Interior.

APPROVED, March 3, 1865.

March 3, 1865.

1864, ch. 48. *Ante*, p. 39.

CHAP. CXXII. — *An Act to amend an Act entitled "An Act to provide for the better Organization of Indian Affairs in California."*

Appropriation to pay settlers in Hoopa Valley, California, for their improvements on the Indian reservation.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of sixty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of enabling the Secretary of the Interior to pay the settlers in Hoopa Valley, California, for their improvements on the Indian reservation therein: *Provided*, That before the same or any part of the money hereby appropriated shall be paid, the said improvements shall be appraised by the superintendent of Indian affairs, the Indian agent at said reservation, and the surveyor-general of California; and if, in the opinion of the Secretary of the Interior, their appraisement shall be reasonable, and shall not in the aggregate exceed the sum herein appropriated, the said Secretary is hereby authorized to apply the same, or so much thereof as may be necessary, in payment for the said improvements, taking the proper releases therefor: *And provided, further*, That the moneys

hereby appropriated be reimbursed from the proceeds of the sales of Indian reservations in said state under the provisions of the act to provide for the better organization of Indian affairs in California, approved April eight, eighteen hundred and sixty-four.

To be reimbursed from sales of the reservations.

1864, ch. 48. *Ante*, p. 40.

APPROVED, March 3, 1865.

CHAP. CXXIII. — *An Act authorizing the Secretary of the Treasury to lease or sell certain Property of the United States situated at Bath, in the State of Maine.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to lease the wharf property belonging to the United States situated at Bath, in the State of Maine, for a term of years, the lessee making all repairs thereupon; or he may sell the same at his discretion if it is no longer in use or required for the public service, and he is hereby authorized to make, execute, and deliver all needful conveyances to the purchaser or purchasers thereof.

Wharf at Bath, Maine, may be leased or sold.

APPROVED, March 3, 1865.

CHAP. CXXIV. — *An Act to increase the Pay of Midshipmen and others.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That midshipmen, after their final academic examination and until their promotion to the grade of ensign, shall be paid at the rate of eight hundred dollars per annum, while on sea service.

Pay of midshipmen.

SEC. 2. *And be it further enacted*, That acting masters' mates shall be styled mates, and the Secretary of the Navy is hereby authorized to increase their pay to a sum not exceeding sixty dollars per month.

Pay and style of acting masters' mates.

SEC. 3. *And be it further enacted*, That hereafter mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years, and such rating of an enlisted man, or his appointment as an officer, shall not discharge him from his enlistment.

Mates, how may be rated.

SEC. 4. *And be it further enacted*, That no person appointed or rated an officer or clerk in the navy shall receive any bounty while holding an appointment.

No person rated an officer or clerk to receive bounty.

SEC. 5. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 6. *And be it further enacted*, That acting passed assistant surgeons and acting surgeons may be appointed in the same manner as acting assistant surgeons are now appointed, who shall receive the compensation of their respective grades.

Acting passed assistant surgeons, &c., how appointed, pay, &c.

APPROVED, March 3, 1865.

CHAP. CXXV. — *An Act to incorporate the "Capitol Hotel Company," in Washington City, District of Columbia.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles C. Little and A. C. Washburn, of Boston, in the State of Massachusetts; George Folsom, Charles A. Stetson, and Frank Moore, of New York city, in the State of New York; and Z. C. Robbins, of Washington, in the District of Columbia, and their associates and successors, be, and they are hereby, incorporated and made a body corporate, by the name of "The Capitol Hotel Company," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, of competent jurisdiction, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation, for the purpose of establishing and maintaining in said city of Washington building or buildings for a hotel, with rooms, shops, and offices, to be used therefor and therewith; and they may purchase and hold real and personal estate required and convenient therefor; and may,

Capitol Hotel Company incorporated.

Name.

Purposes of corporation.

after construction thereof, sell, convey, or lease, and receive rent therefor in whole or in part, as they may choose and find for the interest of said corporation.

Capital stock.

Sec. 2. *And be it further enacted*, That the capital stock of said corporation shall not exceed the sum of one million five hundred thousand dollars, and that the stock shall be divided into shares of one thousand dollars each, and shall be deemed personal property, transferable in such manner as the said corporation by its by-laws may direct.

Shares, transfer.

Directors.

Sec. 3. *And be it further enacted*, That the government and direction of the affairs of the corporators shall be invested in a board of directors, not less than five in number, who shall be elected by the stockholders at their annual meeting, which shall be held on the first Monday of May in each year, from among the corporators and their associates and successors, in such manner as the by-laws of said corporation may direct.

Annual meeting.

By-laws, &c.

Sec. 4. *And be it further enacted*, That the said corporation shall have full power to make and prescribe such by-laws, rules, and regulations as they may deem needful and proper for the disposition and management of the stock, property, estate, and effects of the corporation, not contrary to the charter or to the laws of the United States and the ordinances of the city of Washington, and shall have power to alter or amend the same, from time to time, as the interests of the corporation, in their opinion, may require.

Act may be repealed, &c.

Sec. 5. *And be it further enacted*, That this act may be altered, amended, or repealed, at the pleasure of congress.

Approved, March 3, 1865.

March 3, 1865.

1864, ch. . Vol. . p.

Chap. CXXVI. — *An Act supplemental to an Act entitled "An Act to amend the several Acts respecting Copyright," approved February third, eighteen hundred and thirty-one, and to the Acts in Addition thereto and Amendment thereof.*

Photographs, &c., may be copyrighted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of said act shall extend to and include photographs and the negatives thereof which shall hereafter be made, and shall enure to the benefit of the authors of the same in the same manner, and to the same extent, and upon the same conditions as to the authors of prints and engravings.

Copy of each book, pamphlet, &c., to be sent free of expense to library of congress.

Sec. 2. *And be it further enacted*, That a printed copy of every book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured under said acts, shall be transmitted free of postage or other expense by the author or proprietor thereof, within one month of the date of publication, to the library of congress at Washington for the use of said library; and the librarian of congress is hereby required to give a receipt in writing for the same.

Receipt therefor.

Copyright forfeited unless copy is sent after demand, &c.

Sec. 3. *And be it further enacted*, That if any proprietor of a book, pamphlet, map, chart, musical composition, print, engraving, or photograph, for which a copyright shall be secured as aforesaid, shall neglect to deliver the same pursuant to the requirement of this act, it shall be the duty of the librarian of congress to make demand thereof in writing, at any time within twelve months after the publication thereof; and in default of the delivery thereof within one month after the demand shall have been made, the right of exclusive publication secured to such proprietor under the acts of congress respecting copyright shall be forfeited.

"Book" to mean what;

to include subsequent editions.

Sec. 4. *And be it further enacted*, That in the construction of this act the word "book" shall be construed to mean every volume and part of a volume, together with all maps, prints or other engravings belonging thereto; and shall include a copy of any second or subsequent edition which shall be published with any additions, whether the first edition of such book shall have been published before or after the passing of this act: *Provided, however*, That it shall not be requisite to deliver to the

Proviso.

said library any copy of the second or any subsequent edition of any book, unless the same shall contain additions as aforesaid, nor of any book which is not the subject of copyright.

Approved, March 3, 1865.

Chap. CXXVII. — *An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the Year ending thirtieth June, eighteen hundred and sixty-six, and for other Purposes.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department and fulfilling treaty stipulations with the various Indian tribes: — Appropriations for the expenses of the Indian department.

For the current and contingent expenses of the Indian department, namely:

For the pay of superintendents of Indian affairs and of Indian agents, eighty-seven thousand four hundred and fifty dollars. Superintendents, agents, sub-agents, clerks, &c.

For pay of sub-agents, six thousand dollars.

For pay of clerk to superintendent at St. Louis, Missouri, one thousand two hundred dollars.

For pay of temporary clerks by superintendents of Indian affairs, five thousand dollars.

For pay of clerk to superintendent of Indian affairs in California, one thousand eight hundred dollars.

For pay of interpreters, twenty-eight thousand four hundred dollars. Interpreters, presents, provisions, &c.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies and repairs thereof, ten thousand dollars. Buildings and repairs.

For contingencies of the Indian department, thirty-six thousand five hundred dollars. Contingencies.

For fulfilling treaty stipulations with the various Indian tribes: Treaty stipulations.

Blackfoot Indians. — For last of ten instalments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five, twenty thousand dollars. Blackfoot Indians. Vol. xi. p. 659.

For last of ten instalments as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and promoting civilization and Christianity, at the discretion of the President, per tenth article of the treaty of seventeenth October, eighteen hundred and fifty-five, fifteen thousand dollars.

Chasta, Scoton, and Umpqua Indians. — For eleventh of fifteen instalments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four, two thousand dollars. Chasta, Scoton, and Umpquas. Vol. x. p. 1122.

For eleventh of fifteen instalments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand dollars.

For eleventh of fifteen instalments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For eleventh of fifteen instalments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of Lake Superior. — For two thirds of twenty-fourth of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth Sep- Chippewas of Lake Superior. Vol. vii. p. 592. Vol. x. p. 1109.

tember, eighteen hundred and fifty-four, eight thousand three hundre and thirty-three dollars and thirty-three cents.

For two thirds of twenty-fourth of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight hundred dollars.

For two thirds of twenty-fourth of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four seven thousand dollars.

For two thirds of twenty-fourth of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For two thirds of twenty-fourth of twenty-five instalments for the pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For two thirds of twenty-fourth of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For eleventh of twenty instalments in coin, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, five thousand dollars.

For eleventh of twenty instalments in goods, household furniture, and cooking utensils, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, eight thousand dollars.

For eleventh of twenty instalments for agricultural implements, and cattle, carpenters' and other tools, and building materials, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand dollars.

For eleventh of twenty instalments for moral and educational purposes, three hundred dollars of which to be paid to the Grand Portage band yearly, to enable them to maintain a school at their village, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand dollars.

For eleventh of twenty instalments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, five thousand and forty dollars.

For eleventh of twenty instalments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For ninth of twenty instalments for the seventh smith and assistant, and support of shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of a smith, assistant, and shop for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of two farmers for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of the Mississippi.
Vol. vii. p. 592.
Vol. x. p. 1109.

Chippewas of the Mississippi. — For one third of twenty-fourth of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four thousand one hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-fourth of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four hundred dollars.

For one third of twenty-fourth of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand five hundred dollars.

For one third of twenty-fourth of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-fourth of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-fourth of twenty-five instalments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-fourth of twenty-five instalments for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three hundred and thirty-three dollars and thirty-three cents.

For eleventh of twenty instalments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, twenty thousand dollars.

Chippewas, Pillager, and Lake Winnebagoshish bands.

Chippewas, Pillager, and Lake Winnebagoshish Bands. — For eleventh of thirty instalments of annuity in money, per third article [treaty] twenty-second February, eighteen hundred and fifty-five, ten thousand six hundred and sixty-six dollars and sixty-six cents.

Vol. x. p. 1165.

For eleventh of thirty instalments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five, eight thousand dollars.

For eleventh of thirty instalments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five, four thousand dollars.

For eleventh of twenty instalments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For eleventh of fifteen annual instalments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five, two thousand one hundred and twenty dollars.

For pay of an engineer to grist and saw mill at Leech Lake, six hundred dollars.

Chippewas of the Mississippi and the Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota.

Chippewas of the Mississippi, and the Pillager and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota. — For second of ten instalments for ten yoke of work-oxen, per fifth article treaty eleventh March, eighteen hundred and sixty-three, one thousand dollars.

For the employment of a sawyear, at the discretion of the President, per sixth article treaty eleventh March, eighteen hundred and sixty-three, six hundred dollars.

Vol. xii. p. 1250.

For compensation of female teachers on the reservation, who shall instruct the Indian girls in domestic economy, one thousand dollars.

Chippewas of Saginaw, Swan Creek, and Black River.
Vol. xi. p. 634.

Chippewas of Saginaw, Swan Creek, and Black River. — For last of ten equal annual instalments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of second August, eighteen hundred and fifty-five, ten thousand dollars.

For last of ten instalments for the support of one blacksmith shop, per second article of the treaty of second August, eighteen hundred and fifty-five, twelve hundred and forty dollars.

For last of five equal annual instalments for educational purposes, under the direction of the President, two thousand dollars.

For last of five equal annual instalments in agricultural implements, three thousand dollars.

Chippewas, Menomonees, Winnebagoes, and New York Indians.
Vol. vii. p. 304.

Chippewas, Menomonees, Winnebagoes, and New York Indians. — For education during the pleasure of congress, per fifth article treaty eleventh August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Chickasaws.
1799, ch. 11.
Vol. i. p. 618.

Chickasaws. — For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars.

Choctaws.
Vol. vii. p. 99.
Vol. xi. p. 614.

Choctaws. — For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, three thousand dollars.

Vol. vii. p. 213.

For permanent annuity for support of light horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

Vol. vii. p. 235.

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six thousand dollars.

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent provision for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article of treaty twenty-second June, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on five hundred thousand dollars, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five, twenty-five thousand dollars.

Camanches, Kiowas, and Apaches of Arkansas River.
Vol. x. p. 1014.

Camanches, Kiowas, and Apaches of Arkansas River. — For the second of five instalments, being the second series for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars.

For expenses of transportation of the second of five instalments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, seven thousand dollars.

Creeks.
Vol. vii. p. 36.
Vol. xi. p. 700.

Creeks. — For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand five hundred dollars.

Vol. vii. p. 69.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

Vol. vii. p. 287.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For blacksmith and assistant and shop and tools during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars. Vol. vii. p. 419.

For iron and steel for shop during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For wagon-maker during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For assistance in agricultural operations during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For education during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand dollars.

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six, ten thousand dollars.

Delawares. — For life annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars. Delawares. Vol. vii. p. 188.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine for education, two thousand three hundred and four dollars.

Iowas. — For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to the first of July, eighteen hundred and sixty-six, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, two thousand eight hundred and seventy-five dollars. Iowas.

Kansas. — For interest in lieu of investment on two hundred thousand dollars, at five per centum per annum, ten thousand dollars. Kansas.

Kickapoos. — For twelfth instalment of interest, at five per centum, on one hundred thousand dollars, for educational and other beneficial purposes, five thousand dollars. Kickapoos.

For twelfth instalment on two hundred thousand dollars, to be paid in eighteen hundred and sixty-five, per second article treaty eighteenth May, eighteen hundred and fifty-four, seven thousand dollars. Vol. x. p. 1078.

Menomonees. — For tenth of twelve instalments for continuing and keeping up a blacksmith shop, and providing the usual quantity of iron Menomonees.

Vol. ix. p. 952. Vol. x. p. 1065. and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, nine hundred and sixteen dollars and sixty-six cents.

For last of ten instalments of annuity upon two hundred thousand dollars, balance of three hundred and fifty thousand dollars for cession of lands, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, twenty thousand dollars.

For tenth of fifteen instalments for pay of miller, per third article treaty twelfth May, eighteen hundred and fifty-four, six hundred dollars.

Miamies of Kansas. Vol. vii. p. 191. Vol. x. p. 1095. *Miamies of Kansas.* — For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty June fifth, eighteen hundred and fifty-four, nine hundred and forty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For sixth of twenty instalments upon two hundred thousand dollars, per third article treaty fifth June, eighteen hundred and fifty-four, seven thousand five hundred dollars.

Miamies of Indiana. Vol. vii. p. 582. Vol. x. p. 1095. *Miamies of Indiana.* — For interest on two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, uninvested, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents.

Miamies, Eel River. Vol. vii. p. 51. *Miamies — Eel River.* — For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety five, five hundred dollars.

Vol. vii. p. 91. For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars.

Vol. vii. p. 114. For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

Nisqually, Puyallup, and other bands of Indians. *Nisqually, Puyallup, and other Tribes and Bands of Indians.* — For eleventh instalment, in part payment for relinquishment of title to lands, to be applied to beneficial objects, per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four, twelve hundred dollars.

Vol. x. p. 1134. For eleventh of twenty instalments for pay of instructor, smith, physician, carpenter, farmer, and assistant, if necessary, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four, six thousand seven hundred dollars.

Omahas. Vol. x. p. 1044. *Omahas.* — For the eighth of ten instalments of this amount, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, thirty thousand dollars.

For pay of miller and assistant miller, farmer, blacksmith and assistant, for iron and steel, supplying smith's shop with tools and keeping the same in repair, keeping in repair grist and saw mill, and for pay of an engineer and assistant engineer, for the fiscal year ending June thirtieth, eighteen hundred and sixty-six, four thousand eight hundred and forty dollars: *Provided*, That any tolls or profits arising from the working of the mill or shops shall be accounted for to the agent and by him applied to the use and benefit of said Indians.

Profits from working the mill or shops to go to the Indians.

Osages. *Osages.* — For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land

set apart second June, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Ottoes and Missourias. — For eighth of ten instalments, being the second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, thirteen thousand dollars. Ottoes and Missourias. Vol. x. p. 1039.

For the balance due the confederated tribes of the Kaskaskias, Peorias, Weas, and Piankeshaws, arising from the sale of their "trust lands" by William Brindle, late receiver of the land-office, as reported by the commissioner of the general land-office, held by said late receiver Brindle, unaccounted for and not deposited in the United States treasury, six thousand eight hundred and eighteen dollars and thirty cents: *Provided*, That when said sum shall be received, it shall be paid into the treasury of the United States. Kaskaskias, Peorias, Weas, and Piankeshaws.

Ottawas and Chippewas of Michigan. — For last of ten equal annual instalments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just, per second article of the treaty of thirty-first July, eighteen hundred and fifty-*six* [five], eight thousand dollars. Ottawas and Chippewas of Michigan.

For last of ten instalments for the support of four blacksmith shops, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, four thousand two hundred and forty dollars. Vol. xi. p. 623.

For last of ten instalments of principal, payable annually for ten years, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand dollars.

For interest on two hundred and six thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand three hundred dollars.

For last of ten equal annual instalments on thirty-five thousand dollars, in lieu of former treaty stipulations, to be paid per capita to the Grand River Ottawas, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, three thousand five hundred dollars.

Pawnees. — For third of five instalments of the second series in goods and such articles as may be necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven, thirty thousand dollars. Pawnees. Vol. xi. p. 729.

For support of two manual-labor schools annually, during the pleasure of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, ten thousand dollars.

For pay of two teachers, under the direction of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For purchase of iron and steel, and other necessaries for the shop, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For pay of two blacksmiths, one of whom to be a gunsmith and tinsmith, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation of two strikers or apprentices in shop, per fourth article of treaty twenty-fourth September, eighteen hundred and fifty-seven, four hundred and eighty dollars.

For eighth of ten instalments for farming utensils and stock, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For pay of farmer, per fourth article treaty twenty-fourth September eighteen hundred and fifty-seven, six hundred dollars.

For seventh of ten instalments for pay of miller, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For seventh of ten instalments for pay of an engineer, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation to apprentices, to assist in working the mill, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For grist and saw mill, and keeping the same in repair, three hundred dollars.

Pottawatomies of Huron. Vol. vii. p. 105. *Pottawatomies of Huron.* — For permanent annuity in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven, four hundred dollars.

Pottawatomies. Vol. vii. p. 51. *Pottawatomies.* — For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

Vol. vii. p. 114. For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars.

Vol. vii. p. 185. For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars.

Vol. vii. p. 317. For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand dollars.

Vol. vii. p. 320. For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars.

Vol. vii. p. 379. For life annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two, two hundred dollars.

Vol. vii. p. 432. For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven hundred dollars.

Vol. vii. p. 296. Vol. vii. p. 317. Vol. vii. p. 379. For education during the pleasure of congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, five thousand dollars.

Vol. vii. p. 317. Vol. ix. p. 855. For permanent provision for the payment of money in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for three blacksmiths and assistants, and permanent provisions for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars; and to supply a deficiency in this appropriation for the current fiscal year, seven hundred and fourteen dollars.

For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Quapaws. Vol. vii. p. 425. *Quapaws.* — For education during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop,

during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand and sixty dollars.

For farmer during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, six hundred dollars.

Rogue Rivers. — For twelfth of sixteen instalments in blankets, clothing, farming utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars. Rogue Rivers. Vol. x. p. 1018.

For balance due claimants under third article of the treaty of September tenth, eighteen hundred and fifty-three, with the Rogue River Indians, for improvements made by land claimants on the Indian reserve, eight hundred and fourteen dollars and eighty-two cents.

Sacs and Foxes of Mississippi. — For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars. Sacs and Foxes of Mississippi. Vol. vii. p. 85.

For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars. Vol. vii. p. 540.

For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars. Vol. vii. p. 596.

Sacs and Foxes of Missouri. — For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars. Sacs and Foxes of Missouri. Vol. vii. p. 540.

Seminoles. — For the ninth of ten instalments for the support of schools, per eighth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars. Seminoles. Vol. xi. p. 702.

For the ninth of ten instalments for agricultural assistance, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For the ninth of ten instalments for the support of smiths and smiths' shops, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand two hundred dollars.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on two hundred and fifty thousand dollars, at five per centum, to be paid as annuity, they having joined their brethren west, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

Senecas. — For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars. Senecas. Vol. vii. p. 161.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars. Vol. vii. p. 179.

For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, one thousand and sixty dollars. Vol. vii. p. 349.

For miller during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

Senecas of New York. — For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars. Senecas of New York. 1831, ch. 26. Vol. iv. p. 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars. 1846 ch. 34. Vol. ix. p. 35

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States treasury, per act

of twenty-seventh June, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents.

Senecas and Shawnees. Vol. vii. p. 179.

Senecas and Shawnees. — For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, one thousand dollars.

Vol. vii. p. 352.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, one thousand and sixty dollars.

Shawnees. Vol. vii. p. 51. Vol. x. p. 1066.

Shawnees. — For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars.

For twelfth instalment of interest, at five per centum, on forty thousand dollars for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

Vol. vii. p. 46.

For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

Six Nations of New York. Vol. vii. p. 46.

Six Nations of New York. — For permanent annuity in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, four thousand five hundred dollars.

Treaty of Fort Laramie. Vol. xi. p. 749.

Treaty of Fort Laramie. — For last of five instalments, at the discretion of the President, in provisions and merchandise, for payment of annuities, and transportation of the same, to certain tribes of Indians, seventy thousand dollars.

Umpquas, (Cow Creek Band.) Vol. x. p. 1027.

Umpquas, (Cow Creek Band.) — For twelfth of twenty instalments in blankets, clothing, provisions, and stock, per third article treaty nineteenth September, eighteen hundred and fifty-three, five hundred and fifty dollars.

Umpquas and Calapooias of Umpqua Valley. Vol. x. p. 1027.

Umpquas and Calapooias, of Umpqua Valley, Oregon. — For first of five instalments, of the third series, of annuity for beneficial objects, to be expended as directed by the President, per third article treaty nineteenth September, eighteen hundred and fifty-three, one thousand seven hundred dollars.

Vol. x. p. 1127.

For eleventh of fifteen instalments for the pay of a physician and purchase of medicines, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, two thousand dollars.

For eleventh of twenty instalments for the pay of a teacher and purchase of books and stationery, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand four hundred and fifty dollars.

Winnebagoes. Vol. vii. p. 545.

Winnebagoes. — For interest on one million dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, fifty thousand dollars.

Vol. ix. p. 878.

For nineteenth of thirty instalments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Goods lost by burning of steamer Welcome.

For the payment of goods purchased for the Winnebagoes, Mississippi, Sioux, and Yancton Sioux, to replace those lost by the bur[n]ing of the steamer "Welcome" at Saint Louis, on the fifteenth day of July, eighteen hundred and sixty-four, fifty-four thousand seven hundred and seventy-one dollars and eighty-three cents; and to replace the goods destined for Indians in New Mexico, which were burned on the steamer "Welcome" at Saint Louis on the fifteenth day of July, eighteen hundred and sixty-four, two thousand seven hundred and forty-five dollars and eighty-three cents;

Goods burned in wagons.

and to replace the goods destined for Indians in the Territory of Utah, which were burned on one of the wagons transporting the same from Nebraska city to Utah, on the twenty-second day of August, eighteen hundred and sixty-four, six thousand three hundred and thirty-one dollars and

thirty-eight cents: *Provided, however*, That any moneys to be recovered for insurance upon said goods shall be refunded to the treasury of the United States. Insurance recovered to be paid to the United States.

For the payment of awards made by the Secretary of the Interior, to be paid as damages growing out of the loss and destruction of improvements made upon the lands known as the Winnebago Reservation, in Blue Earth County, Minnesota, by the bona fide actual settlers thereon, under the preëmption laws of the United States, before the same was selected and set apart as an Indian reservation, and which award was made pursuant to an act of congress entitled "An act for the relief of preëmptors on the home reservation of the Winnebagoes, in the Blue Earth region in the State of Minnesota," approved July fourteenth, eighteen hundred and sixty-two, and to be paid to the several parties named in the said award, seven thousand three hundred and two dollars and six cents. Payments of awards for damages to improvements on Winnebago reservation. 1862, ch. 165. Vol. xii. p. 566.

Yancton Tribe of Sioux. — For seventh of ten instalments to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, sixty-five thousand dollars. Yancton Sioux. Vol. xi. p. 744.

Calapooias, Molalla, and Clackamas Indians, of Willamette Valley. — For first of five instalments of the second series of annuity for beneficial objects, per second article treaty twenty-second January, eighteen hundred and fifty-five, six thousand five hundred dollars. Calapooias, Molallas, &c., of Willamette Valley. Vol. x. p. 1144.

Poncas. — For the second of ten instalments of the second series, to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes, per second article treaty twelfth March, eighteen hundred and fifty-eight, ten thousand dollars. Poncas. Vol. xii. p. 997.

For seventh of ten instalments for the establishment and maintenance of one or more manual-labor schools, under the direction of the President, per second article treaty twelfth March, eighteen hundred and fifty-eight, five thousand dollars.

For seventh of ten instalments, or during the pleasure of the President, to be expended in furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of the mill provided for in the first part of this article, as the Secretary of the Interior may consider advantageous and necessary for them, per second article treaty twelfth March, eighteen hundred and fifty-eight, seven thousand five hundred dollars.

D'Wamish and other allied Tribes in Washington Territory. — For sixth instalment on one hundred and fifty thousand dollars, under the direction of the President, per sixth article treaty twenty-second January, eighteen hundred and fifty-five, ten thousand dollars. D'Wamish, &c., in Washington Territory. Vol. xii. p. 927.

For sixth of twenty instalments for the establishment and support of an agricultural and industrial school, and to provide said school with a suitable instructor or instructors, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, three thousand dollars.

For sixth of twenty instalments for the establishment and support of a smith and carpenter shop, and to furnish them with the necessary tools, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician who shall furnish medicines for the sick, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Makah Tribe. — For last of three instalments on thirty thousand dollars, under the direction of the President, per fifth article treaty thirty-first January, eighteen hundred and fifty-five, two thousand dollars. Makah tribe. Vol. xii. p. 940.

For sixth of twenty instalments for the support of an agricultural and

Makahs.

industrial school, and for pay of teachers, per eleventh article treaty thirty first January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For sixth of twenty instalments for support of a smith and carpenter's shop, and to provide the necessary tools therefor, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician who shall furnish medicines for the sick, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Walla-Walla, Cayuse, and Umatilla tribes.
Vol. xii. p. 947.

Walla-Walla, Cayuse, and Umatilla Tribes. — For first of five instalments of second series, to be expended under the direction of the President, per second article treaty ninth June, eighteen hunderd and fifty-five, six thousand dollars.

For sixth of twenty instalments for the purchase of all necessary mill fixtures and mechanical tools, medicines, and hospital stores, books and stationery for schools, and furniture for the employees, per fourth article treaty ninth June, eighteen hundred and fifty-five, three thousand dollars.

For sixth of twenty instalments for the pay and subsistence of one superintendent of farming operations, one farmer, two millers, one blacksmith, one wagon and plough maker, one carpenter and joiner, one physician, and two teachers, per fourth article treaty ninth June, eighteen hundred and fifty-five, eleven thousand two hundred dollars.

For sixth of twenty instalments for the pay of each of the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands, the sum of five hundred dollars per annum, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand five hundred dollars.

For sixth of twenty instalments for salary for the son of Pio-pio-mox-mox, per fifth article treaty ninth June, eighteen hundred and fifty-five, one hundred dollars.

Yakama nation.
Vol. xii. p. 953.

Yakama Nation. — For first of five instalments, of second series, for beneficial objects, at the discretion of the President, per fourth article treaty ninth June, eighteen hundred and fifty-five, eight thousand dollars.

For sixth of twenty instalments for the support of two schools, one of which is to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty ninth June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For sixth of twenty instalments for the employment of one superintendent of farming and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty ninth June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For sixth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and fixtures therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for the pay of a physician, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For sixth of twenty instalments for keeping in repair the buildings required for the various employees, and for providing the necessary furniture therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for the salary of such person as the said confederated tribes and bands of Indians may select to be their head chief, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

Nez Perce Indians. — For sixth of twenty instalments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars. Nez Perce Indians. Vol. xii. p. 958.

For sixth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For sixth of twenty instalments for keeping in repair blacksmiths', tinsmiths', gunsmiths', carpenters' and wagon and plough makers' shops, and for providing necessary tools therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of one superintendent of farming, and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty eleventh June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For sixth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for pay of a physician, per fifth article treaty eleventh June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For first of five instalments of second series, for beneficial objects, at the discretion of the President, per fourth article treaty eleventh June, eighteen hundred and fifty-five, eight thousand dollars.

For sixth of twenty instalments for keeping in repair the buildings for the various employees, and for providing the necessary furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for the salary of such person as the tribe may select to be their head chief, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

Flatheads and other confederated Tribes. — For the second of five instalments on one hundred and twenty thousand dollars, being the second series, for beneficial objects, at the discretion of the President, per fourth article treaty sixteenth July, eighteen hundred and fifty-five, five thousand dollars. Flatheads and other confederated tribes. Vol. xii. p. 976.

For sixth of twenty instalments for the support of an agricultural and industrial school, keeping in repair the buildings, and providing suitable furniture, books, and stationery, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for providing suitable instructors therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For sixth of twenty instalments for keeping in repair blacksmiths', tin and gunsmiths', carpenters', and wagon and plough makers' shops, and providing necessary tools therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of two farmers, two

Flatheads, &c. millers, one blacksmith, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, seven thousand four hundred dollars.

For sixth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for pay of a physician, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand four hundred dollars.

For sixth of twenty instalments for keeping in repair the buildings required for the various employees, and furnishing necessary furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For sixth of twenty instalments for the pay of each of the head chiefs of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, fifteen hundred dollars.

Transportation of annuity goods and provisions for the Flathead Indians, per fifth article of the treaty of July sixteenth, eighteen hundred and fifty-five, for the present fiscal year, eleven thousand nine hundred and twenty dollars and forty-one cents, or so much thereof as shall be necessary.

Insurance and transportation of annuity goods and provisions for the Flathead Indians, per fifth article of the treaty of July sixteenth, eighteen hundred and fifty-five, for the fiscal year ending June thirtieth, eighteen hundred and sixty-six, eleven thousand nine hundred and twenty dollars and forty-one cents, or so much thereof as shall be necessary.

Middle Oregons. *Confederated Tribes and Bands of Indians in Middle Oregon.* — For first of five instalments, second series, of six thousand dollars, for beneficial

Vol. xii. p. 964. objects, at the discretion of the President, per second article treaty twenty-fifth June, eighteen hundred and fifty-five, six thousand dollars.

For sixth of fifteen instalments for pay and subsistence of one farmer, one blacksmith, and one wagon and plough maker, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, three thousand five hundred dollars.

For sixth of twenty instalments for pay and subsistence of one physician, one sawyer, one miller, one superintendent of farming operations, and one school-teacher, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five thousand six hundred dollars.

For sixth of twenty instalments for payment of salary to the head chief of said confederated bands, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five hundred dollars.

Molels. *Molel Indians.* — For sixth of ten instalments for keeping in repair saw and flouring mills, and for the pay of necessary employees, the benefits of which to be shared alike by all the confederated bands, per second

Vol. xii. p. 981. article treaty twenty-first December, eighteen hundred and fifty-five, one thousand five hundred dollars.

For sixth of ten instalments for the pay of a carpenter and joiner to aid in erecting buildings and making furniture for said Indians, and to furnish tools in said service, per second article treaty twenty-first December, eighteen hundred and fifty-five, two thousand dollars.

For pay of teachers to manual-labor school, for all necessary materials therefor, and for the subsistence of the pupils, per second article treaty twenty-first December, eighteen hundred and fifty-five, three thousand dollars.

Qui-nai-elt and Quil-leh-ute Indians. — For last of three instalments on twenty-five thousand dollars (being the third series), for beneficial objects, under the direction of the President, per fourth article treaty first July, eighteen hundred and fifty-five, one thousand six hundred dollars. Qui-nai-elts and Quil-leh-utes. Vol. xii. p. 972.

For sixth of twenty instalments for the support of an agricultural and industrial school, and for pay of suitable instructors, per tenth article treaty first July, eighteen hundred and fifty-five, two thousand five hundred dollars.

For sixth of twenty instalments for support of smith and carpenter shop, and to provide the necesary tools therefor, per tenth article treaty first July, eighteen hundred and fifty-five, five hundred dollars.

For sixth of twenty instalments for the employment of a blacksmith, carpenter, and farmer, and a physician who shall furnish medicines for the sick, per tenth article treaty first July, eighteen hundred and fifty-five, four thousand six hundred dollars.

S'Klallams. — For last of three instalments on sixty thousand dollars, (being the third series,) under the direction of the President, per fifth article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand dollars. S'Klallams. Vol. xii. p. 934.

For six[th] of twenty instalments for the support of an agricultural and industrial school, and for pay for suitable teachers, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For sixth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and a physician who shall furnish medicines for the sick, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Ottawa Indians of Blanchard's Fork and Roche de Bœuf. — For third of four instalments, in money, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, eight thousand five hundred dollars. Ottawas of Blanchard's Fork and Roche de Bœuf.

For interest on seventeen thousand dollars, at five per centum, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, eight hundred and fifty dollars. Vol. xii. p. 1238.

For this amount, being the first of four instalments of the principal and interest to June thirtieth, eighteen hundred and sixty-two, payable for stocks held by the government, one thousand six hundred and fifty-five dollars and thirty-eight cents.

For interest on one thousand six hundred and fifty-five dollars, from July first, eighteen hundred and sixty-two, to June thirtieth, eighteen hundred and sixty-five, two hundred and ninety-seven dollars and ninety-six cents.

For second of four instalments of the principal and interest due on stock, two thousand eight hundred and forty-nine dollars and eighty-seven cents.

For interest on the balance of the stock, eight thousand five hundred and forty-nine dollars and sixty-one cents, held in trust from June thirtieth, eighteen hundred and sixty-two, to June thirtieth, eighteen hundred and sixty-five, one thousand five hundred and thirty-eight dollars and ninety-three cents.

For third of four instalments of the principal sum held in stocks by the government, to be paid as annuity in eighteen hundred and sixty-six, two thousand eight hundred and forty-nine dollars and eighty-seven cents.

For interest on five thousand six hundred and ninety-nine dollars and seventy-four cents, from June thirtieth, eighteen hundred and sixty-five, to June thirtieth, eighteen hundred and sixty-six, two hundred and forty-one dollars and ninety-eight cents.

Arapahoes and Cheyenne Indians of the Upper Arkansas River. — For fifth of fifteen instalments of annuity of thirty thousand dollars, to be expended for their benefit, — that is to say, fifteen thousand dollars per annum Arapahoes and Cheyennes of the Upper Arkansas.

for each tribe, commencing with the year in which they shall remove to and settle upon their reservations, — thirty thousand dollars.

For third of five instalments to provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, five thousand dollars.

Delivery of annuities;

For transportation and necessary expenses of delivery of annuities, goods, and provisions, five thousand dollars.

to Chippewas of Lake Superior;

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Chippewas of Lake Superior, five thousand seven hundred and sixty-two dollars and sixty-three cents.

to Chippewas of Mississippi.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Chippewas of the Mississippi, three thousand eight hundred and eighty-six dollars and seventy-five cents.

Chippewas of Red Lake and Pembina tribe.

Chippewas of Red Lake, and Pembina Tribe of Chippewas. — For annuity to be paid per capita to the Red Lake band of Chippewas, during the pleasure of the President, per third article treaty second October, eighteen hundred and sixty-three, and second article supplementary to treaty twelfth April, eighteen hundred and sixty-four, ten thousand dollars.

Post, p. 668.

For this amount to the Pembina band of Chippewas, during the pleasure of the President, five thousand dollars.

For the second of fifteen instalments to be expended annually for the purpose of supplying them with gilling twine, cotton matter, calico, linsey, blankets, sheeting, flannels, provisions, farming-tools, and for such other useful articles, and for such other useful purposes as may be deemed for their best interests, per third article supplementary treaty of twelfth April, eighteen hundred and sixty-four, eight thousand dollars.

For the second of fifteen instalments for same objects for the Pembina band of Chippewas, four thousand dollars.

For second of fifteen instalments for pay of one blacksmith, one physician, who shall furnish medicine for the sick, one miller and one farmer, three thousand nine hundred dollars.

For second of fifteen instalments for the purchase of iron and steel and other articles for blacksmithing purposes, one thousand five hundred dollars.

For second of fifteen instalments, to be expended for carpentering and other purposes, one thousand dollars.

For second of fifteen instalments, to defray the expenses of a board of visitors, to consist of not more than three persons, to attend upon the annuity payments of the said Chippewa Indians, whose salary shall not exceed five dollars per day, nor more than twenty days, and ten cents per mile for travelling expenses, and not to exceed three hundred miles, three hundred and ninety dollars.

For insurance and transportation of annuity goods and provisions, and material for building mill, including machinery, iron and steel for blacksmiths, for the Chippewas of Red Lake and Pembina tribe, ten thousand dollars.

For the first payment per fourth article of the treaty of October second, eighteen hundred and sixty-three, to be expended in the purchase of powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands, two thousand dollars.

For the sum of five hundred dollars to be paid to each of the seven chiefs of said bands, at the first payment, to enable each to build for himself a house, per fifth article treaty October second, eighteen hundred and sixty-three, three thousand five hundred dollars.

Eastern Shoshonees.

Eastern Bands of Shoshonees. — For second of twenty instalments, to be expended, under the direction of the President, in the purchase of such

articles as he may deem suitable to their wants, either as hunters or herdsmen, ten thousand dollars.

Western Shoshonees.

Western Band of Shoshonees. — For first of twenty instalments in such articles, including cattle for herding or other purposes, as the President shall deem suitable for their wants and condition, either as hunters or herdsmen, per seventh article treaty October first, eighteen hundred and sixty-three, for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, five thousand dollars.

For second of twenty instalments for same objects, for the fiscal year ending June thirtieth, eighteen hundred and sixty-six, five thousand dollars.

Northwestern Shoshonees.

Northwestern Bands of Shoshonees. — For second of twenty instalments, to be expended, under the direction of the President, in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, five thousand dollars.

Goship bands of Shoshonees.

Goship Bands of Shoshonees. — For second of twenty instalments, to be expended, under the direction of the President, in the purchase of such articles, including cattle for herding, or other purposes, as he shall deem suitable for their wants and condition, either as huntsmen or herdsmen, one thousand dollars.

Creek nation.

Creek Nation. — For interest on two hundred thousand dollars, at five per centum per annum, as permanent annuity to be paid them in money, or for such mechanical labor or useful articles as the Secretary of the Interior may from time to time direct, ten thousand dollars.

For payment of second of five instalments, to be expended for their benefit in the purchase of stock, horses, sheep, clothing, and such other articles as the Secretary of the Interior, with the council of said nation, may direct, forty thousand dollars.

Indian service in New Mexico;

Indian Service in New Mexico. — For general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars.

in country leased from Choctaws.

Indian Service in the District of Country leased from the Choctaws for the Indians lately residing in Texas. — For the expenses of colonizing, supporting, and furnishing agricultural implements and stock, pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools for Indians lately residing in Texas, to be expended under the direction of the Secretary of the Interior, ten thousand dollars.

Wichitas, &c.

For the Wichitas and other affiliated Bands. — For the expenses of colonizing, supporting, and furnishing said bands with agricultural implements and stock, pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Miscellaneous.

Indian service in California.

Miscellaneous. — For the general incidental expenses of the Indian service in California, including travelling expenses of the superintending agents, seven thousand five hundred dollars.

For the purchase of cattle for beef and milk, together with clothing and food, teams and farming tools for Indians in California, fifty-five thousand dollars.

Extra clerks in Indian office. 1854, ch. 267. Vol. x. p. 576. 1855, ch. 175. Vol. x. p. 643. Proviso.

For the compensation of five extra clerks, employed in the Indian office under the acts of fifth August, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, and under appropriations made from year to year, seven thousand dollars: *Provided*, That the said extra clerks shall not be employed after the thirtieth day of June, eighteen hundred and sixty-six, unless specially provided for by law.

For compensation of one clerk in the Indian office, to enable the Secretary of the Interior to carry out the regulations prescribed to give effect

to the seventh section of the act of March third, eighteen hundred and fifty-five, granting bounty lands to Indians, fourteen hundred dollars: *Provided*, That the said clerk shall not be employed after the thirtieth day of June, eighteen hundred and sixty-six, unless specially provided for by law.

Proviso.

For compensation of two extra clerks in the Indian office, employed to carry out the treaty with the Chickasaws in the adjustment of their claims, two thousand eight hundred dollars: *Provided*, That the said extra clerks shall not be employed after the thirtieth day of June, eighteen hundred and sixty-six, unless specially provided for by law.

Proviso.

Delivery of annuities to Indians in Minnesota and Michigan;

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Indian tribes in Minnesota and Michigan, twenty thousand three hundred and fifty dollars and sixty-two cents.

to Pawnees, Poncas, and Yancton Sioux;

For insurance, transportation, and necessary expenses of the delivery of Pawnee, Ponca, and Yancton Sioux annuity goods and provisions, ten thousand dollars.

to Blackfeet Indians.

For expenses of transportation and delivery of annuity goods to the Blackfeet Indians, for the year, seventeen thousand dollars.

Vaccination.

For expenses attending the vaccination of Indians, two thousand five hundred dollars.

Indian service in Oregon and Washington.

For the general incidental expenses of the Indian service in Oregon and Washington Territory, including insurance and transportation of annuity goods and presents, (where no special provision therefor is made by treaties,) and office and travelling expenses of the superintendent and sub-agents, thirty-five thousand dollars.

Removal and subsistence of Indians in Oregon and Washington.

For defraying the expenses of the removal and subsistence of Indians in Oregon and Washington Territory, (not parties to any treaty,) and for pay of necessary employees, fifty thousand dollars.

Indian service in Nevada;

Indian Service in Nevada. — For the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

in Utah;

Indian Service in Utah Territory. — For the general incidental expenses of the Indian service in Utah Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

in Colorado.

Indian Service in Colorado Territory. — For the general incidental expenses of the Indian service in Colorado Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

Interest on abstracted bonds, Cherokee school and national funds.

For payment of interest on fifteen thousand dollars, abstracted bonds, for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, for the Cherokee school-fund, nine hundred dollars.

For payment of interest on sixty-eight thousand dollars, abstracted bonds, for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, of the Cherokee national fund, four thousand and eighty dollars.

Navajo Indians in New Mexico.

Navajo Indians in New Mexico. — For subsistence for the Navajo Indians, and for the purchase of agricultural implements, seeds, and other articles necessary for breaking the ground on the reservation upon the Pecos River, one hundred thousand dollars: *Provided*, That any part of said sum may be used to furnish wool or other necessary materials to said Indians, to be by them manufactured into clothing and blankets.

Interest on non-paying stock held in trust for Indian tribes.

For payment of interest on one million six hundred and ninety thousand three hundred dollars, non-paying stock held by the Secretary of the Interior in trust for various Indian tribes, up to and including the interest payable July first, eighteen hundred and sixty-six, four hundred and forty-six thousand four hundred and thirty-three dollars and fifty cents.

Expenses of Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux Indians.

For subsistence, clothing, and general incidental expenses of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, at their new homes, one hundred thousand dollars.

Indian service in Idaho;

Indian Service in Idaho Territory. — For the general incidental expenses of the Indian service in Idaho Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

in Arizona.

Indian Service in the Territory of Arizona. — For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

Indian reservation.

All that part of the public domain in the Territory of Arizona, lying west of a direct line from Half-Way Bend to Corner Rock on the Colorado River, containing about seventy-five thousand acres of land, shall be set apart for an Indian reservation for the Indians of said river and its tributaries.

Deficiencies.

To supply deficiencies in the Indian service in Arizona Territory, twelve thousand nine hundred dollars for the present fiscal year.

Indian service in Montana.

Indian Service in Montana Territory.—For the general incidental expenses of the Indian service in Montana Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

To negotiate a treaty with the Blackfeet and other Indian tribes.

To enable the Secretary of the Interior to negotiate a treaty with the Blackfoot and other tribes of Indians to relinquish so much of their reservation as lies south of the Missouri River, fifteen thousand dollars.

Indian service in California;

California. — For pay of one physician, one blacksmith, one assistant blacksmith, one farmer, one carpenter, upon each of the four reservations of California, at the rate of fifty dollars per month, twelve thousand dollars.

in Dakota.

Indian Service in Dakota Territory. — For the general incidental expenses of the Indian service in Dakota Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

To restore goods to Yankton Sioux.

To enable the agent of the Yankton Sioux to restore to the friendly members of said tribe the goods and property and provisions taken from them by the troops of the United States, ten thousand dollars.

To negotiate treaty with hostile Sioux.

To enable the superintendent of Indian affairs of Dakota Territory, under the direction of the President, to negotiate a treaty of peace and amity with the hostile Sioux, and other hostile tribes allied with them, twenty thousand dollars.

Delivery to Utahs.

For the transportation and necessary expenses of delivery of provisions to the Indians within the Utah superintendency, twenty-two thousand five hundred dollars.

Special agent for Winnebago Indians.

For salary of a special agent to take charge of Winnebago and Pottawatomie Indians now in the State of Wisconsin, one thousand five hundred dollars.

Tabeguache band of Utah Indians.
Post, p. 675.

Tabeguache Band of Utah Indians. — For the first of ten instalments for the purchase of goods, under the direction of the Secretary of the Interior, per eighth article treaty of October seventh, eighteen hundred and sixty-three, and Senate amendment of March twenty-fifth, eighteen hundred and sixty-four, ten thousand dollars.

For the same for the year ending thirtieth of June, eighteen hundred and sixty-five, ten thousand dollars.

For the first of ten instalments for the purchase of provisions, under the direction of the Secretary of the Interior, ten thousand dollars.

For the same for the year ending thirtieth of June, eighteen hundred and sixty-five, ten thousand dollars.

For the purchase of five American stallions, per ninth article treaty seventh October, eighteen hundred and sixty-three, and Senate amendment of twenty-fifth March, eighteen hundred and sixty-four, two thousand dollars.

For the first of five instalments, to be applied for the purposes of agriculture, and for the purchase of farming utensils and stock animals, ten thousand dollars.

For the same for the year ending thirtieth of June, eighteen hundred and sixty-five, ten thousand dollars.

For insurance, transportation, and general incidental expenses of the delivery of goods, provisions, and stock, five thousand dollars.

Winnebagoes and Pottawatomies of Wisconsin.

Winnebago and Pottawatomie Indians of Wisconsin. — To enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottawatomie Indians in the State of Wisconsin, ten thousand dollars.

Chippewas of the Mississippi, Pillagers, and Lake Winnebagoshish bands.

Chippewas of the Mississippi and Pillagers and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota. — For this amount to be applied in payment towards the settlement of claims for depredations committed by said Indians in eighteen hundred and sixty-two, per third article of the treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, twenty thousand dollars.

Payment for claims;
Post, p. 694.

For this amount to be paid to the chiefs of the Mississippi bands of Chippewas upon the ratification of this treaty, per third article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, ten thousand dollars.

to chiefs;

to Hole-in-the-Day.

For this amount to be paid to the chief Hole-in-the-Day for depredations committed in burning his house and furniture in eighteen hundred and sixty-two, per third article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, five thousand dollars.

Clearing, &c., reservation.

For clearing, stumping, grubbing, breaking, and planting on the reservation hereby set apart for the Chippewas of Mississippi, in lots of not less than ten acres each, for the five bands of Indians, per fourth article of treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, seven thousand five hundred dollars.

Houses for chiefs.

For this amount to be expended in building for each of the chiefs of the five bands of the Chippewas of Mississippi, provided for in the fourth article of the treaty of May seven, eighteen hundred and sixty-four, one house each, under the direction of the Secretary of the Interior, for the fiscal year ending June thirty, eighteen hundred and sixty-six, five thousand dollars.

Oxen and agricultural implements.

For first of ten instalments to furnish said Indians with ten yoke of good work-oxen, twenty log-chains, two hundred grubbing-hoes, ten ploughs, two grindstones, one hundred axes, handled, twenty spades, and other farming implements, per fifth article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, one thousand five hundred dollars.

For the same object for the fiscal year ending June thirty, eighteen hundred and sixty-six, one thousand five hundred dollars.

For the employment of two carpenters, one thousand eight hundred dollars, and two blacksmiths, one thousand eight hundred dollars; four farm laborers, two thousand four hundred dollars; one physician, one thousand two hundred dollars; and medicine for sick, five hundred dollars, per fifth article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, seven thousand seven hundred dollars. Carpenters, smiths, laborers, physician, and medicine.

For the same object for the fiscal year ending June thirty, eighteen hundred and sixty-six, seven thousand seven hundred dollars.

For this amount to be applied towards the support of a saw-mill to be built for the common use of the Chippewas of Mississippi, and the Red Lake and Pembina bands of Chippewas, so long as the President may deem it necessary, per sixth article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, one thousand dollars. Saw-mill.

For same object for the fiscal year ending June thirty, eighteen hundred and sixty-six, one thousand dollars.

For this amount to be expended in building a road, bridges, &c., to their new agency, per sixth article treaty May seven, eighteen hundred and sixty-four, for the present fiscal year, seven thousand five hundred dollars. Road, bridges.

For new agency buildings to be located by the Secretary of the Interior for the common use of the Chippewas of Mississippi, Red Lake, and Pembina, and Pillagers, and Lake Winnebagoshish bands of Chippewa Indians, per sixth article treaty May seven, eighteen hundred and sixty-four, for the fiscal year ending June thirty eighteen hundred and sixty-six, twenty-five thousand dollars, or so much thereof as shall be necessary. New agency buildings.

For pay of services and travelling expenses of a board of visitors, to consist of not more than five persons, to attend the annuity payments to the Indians, and so forth, and to inspect the fields, buildings, mills, and other improvements as stipulated in the seventh article treaty May seven, eighteen hundred and sixty-four, not exceeding any one year more than twenty days' service, at five dollars per day, or more than three hundred miles travel, at ten cents per mile, for the fiscal year ending June thirty, eighteen hundred and sixty-six, six hundred and fifty dollars. Expenses of board of visitors.

For expenses of the removal of Chippewas, of Mississippi, to their new homes, per twelfth article treaty May seven, eighteen hundred and sixty-four, at a rate not exceeding ten dollars each person, for the fiscal year ending June thirty, eighteen hundred and sixty-six, eleven thousand dollars, or so much thereof as shall be necessary. Removal of Chippewas.

For the expenses of subsistence of eleven hundred Chippewas, of the Mississippi, for six months at their new homes, at a rate not exceeding thirty-eight cents per day for each person, per twelfth article treaty May seven, eighteen hundred and sixty-four, for the fiscal year ending June thirty, eighteen hundred and sixty-six, seventy-five thousand two hundred and forty dollars, or so much thereof as shall be necessary. Subsistence of Chippewas.

For transportation of subsistence for Indians, for six months, to their new homes, per twelfth article treaty May seven, eighteen hundred and sixty-four, at a rate not exceeding seven cents per pound, for the fiscal year ending June thirty, eighteen hundred and sixty-six, thirty thousand four hundred and ninety-two dollars, or so much thereof as shall be necessary. Subsistence.

For the payment of female teachers employed on the reservation to instruct Indian girls in domestic economy, per thirteenth article treaty May seven, eighteen hundred and sixty-four, for the fiscal year ending June thirty, eighteen hundred and sixty-six, one thousand dollars. Female teachers.

SEC. 2. *And be it further enacted*, That, to provide for the usual distribution of medals among the chiefs of the Indian tribes, the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated. Medals.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury

Certain annuities to be paid in coin.

is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe, are required to be paid in coin.

Chiefs, &c., of Stockbridge Munsees may enter a homestead.

SEC. 4. *And be it further enacted*, That each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians residing in the County of Shawana and State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, free from any fee or charge whatever, and any part of the lands being a part of their present reservation, which may be abandoned under the foregoing provisions, may be sold under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on said homesteads, to aid them in improving the same. The said homestead thus secured shall not be subject to any tax, levy, or sale whatever, nor shall the same be sold, conveyed, mortgaged, or in any manner encumbered except upon the decree of the district court of the United States, as hereinafter provided. Whenever any of said chiefs, warriors, or heads of families of said tribes, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, shall appear in said court, and prove to the satisfaction thereof, by the testimony of two citizens of the United States, that for five years last past he has adopted the habits of civilized life, that he has maintained himself and family by his own industry, that he reads and speaks the English language, that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive them of annuities to which they are or may be entitled.

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

Abandoned reservations may be sold.

Homestead not subject to tax, &c.

Chiefs, &c., may become citizens.

Proceedings.

Portions of appropriations for tribes in hostility, may be expended for individual loyal members of tribe.

SEC. 5. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to expend such part of the amount herein appropriated to carry into effect any treaty stipulation with any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the government of the United States, including the Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they can support themselves in their own country: *Provided*, That an account shall be kept of the sums so paid for the benefit of the said members of said tribes, which account shall be rendered to congress, at the commencement of the next session thereof, and all the purchases of articles for the purposes above set forth, shall be made of the lowest responsible bidder after sufficient public notice by advertisement in appropriate newspapers: *Provided, also*, That the said Secretary shall not be required to accept any bid which is in his judgment unreasonable in its character: *Provided, further*, That no part of said annuities shall be expended for Indians outside of the Indian Territory south of Kansas, except in providing for such individual Indians or families as are sick and unable to remove to that territory, or such as may be driven out of that territory by armed rebels, after the passage of this act.

Account to be kept.

Purchases how made.

No part to be expended for certain Indians.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury

be, and he is hereby, authorized and directed, in lieu of the bonds for the sum of two hundred and fifty thousand dollars, appropriated for the use of the Choctaw Indians, by an act entitled "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 ending June thirty, eighteen hundred and sixty-two," approved March second, eighteen hundred and sixty-one, to pay to the Secretary of the Interior two hundred and fifty thousand dollars for the relief and support of individual members of Cherokee, Creek, Choctaw, Chickasaw, Seminole, Wichita, and other affiliated tribes of Indians, who have been driven from their homes and reduced to want on account of their friendship to the government, as contemplated by the provisions of an act entitled "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 ending June thirtieth, eighteen hundred and sixty-three," approved July fifth, eighteen hundred and sixty-two.

The Secretary of the Treasury to pay $250,000 in money in lieu of bonds, for support of certain Cherokees, Creeks, &c.
1861, ch. 85. Vol. xii. p. 238.
1862, ch. 135. Vol. xii. p. 528.

SEC. 7. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to furnish the so-called refugee Indians in the Indian Territory such temporary relief as may be absolutely necessary, including clothing and provisions during the residue of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five, to be furnished out of any money appropriated for the commissary and quartermaster's department: *Provided*, That a detailed report shall be made to congress, at its next session, of all expenditures made for their relief.

Secretary of War to furnish temporary relief to refugee Indians.
Report to congress.

SEC. 8. *And be it further enacted*, That any person who may drive or remove, except as hereinafter provided, any cattle, horses, or other stock from the Indian Territory for the purposes of trade or commerce, shall be guilty of a felony, and on conviction be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding three years, or by both such fine and imprisonment.

Unlawful driving, &c., stock, horses, &c., from Indian Territory, &c., how punished.

SEC. 9. *And be it further enacted*, That the agent of each tribe of Indians, lawfully residing in the said Indian Territory, be, and he is hereby, authorized to sell for the benefit of said Indians any cattle, horses, or other live stock belonging to said Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior: *Provided*, That nothing in this and the preceding section shall interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of the troops of the United States.

Agents of Indian tribes may sell horses, cattle &c., for Indians.
Proviso.

APPROVED, March 3, 1865.

RESOLUTIONS.

[No. 1.] *Joint Resolution authorizing the Secretary of the Navy to expend a Portion of the contingent Fund for enlarging the Navy Department Building.* Dec. 15, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to expend so much of the contingent fund heretofore appropriated as may be necessary for the enlargement of the Navy Department building to meet the wants of the department.

Enlargement of Navy Department building.

APPROVED, December 15, 1864.

[No. 3.] *A Resolution tendering the Thanks of Congress to Captain John A. Winslow, U. S. Navy, and to the Officers and Men under his Command on Board the U. S. Steamer Kearsarge, in her Conflict with the piratical Craft the "Alabama;" in Compliance with the President's Recommendation to Congress of the fifth of December, eighteen hundred and sixty-four.* Dec. 20, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are due, and are hereby tendered, to Captain John A. Winslow, of the United States navy, and to the officers, petty officers, seamen, and marines of the United States steamer "Kearsarge," for the skill and gallantry exhibited by him and the officers and men under his command, in the brilliant action on the nineteenth of June, eighteen hundred and sixty-four, between that ship and the piratical craft "Alabama" — a vessel superior to his own in tonnage, in guns, and in the number of her crew.

Thanks to Capt. Winslow, &c., of the Kearsarge.

APPROVED, December 20, 1864.

[No. 4.] *A Resolution tendering the Thanks of Congress to Lieutenant William B. Cushing, of the United States Navy, and to the Officers and Men who assisted him in his gallant and perilous Achievement in destroying the rebel Steamer "Albemarle," in Compliance with the President's Recommendation to Congress of the fifth of December, eighteen hundred [and] sixty-four.* Dec. 20, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are due, and are hereby tendered, to Lieutenant William B. Cushing, of the United States navy, and to the officers and men under his command, for the skill and gallantry exhibited by them in the destruction of the rebel iron-clad steamer "Albemarle," at Plymouth, North Carolina, on the night of the twenty-seventh of October, eighteen hundred and sixty-four.

Thanks to Lieut. Cushing, &c., for the destruction of the Albemarle.

APPROVED, December 20, 1864.

[No. 5.] *Joint Resolution tendering the Thanks of the People and of Congress to Major-General William T. Sherman, and the Officers and Soldiers of his Command, for their gallant Conduct in their late brilliant Movement through Georgia.* Jan. 10, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of the people and of the congress of the United States are due and are hereby tendered to Major-General William T. Sherman, and through him to the officers and men under his command, for their gallantry and good conduct in their

Thanks to Major-General Sherman, &c.

late campaign from Chattanooga to Atlanta, and the triumphal march thence through Georgia to Savannah, terminating in the capture and occupation of that city; and that the President cause a copy of this joint resolution to be engrossed and forwarded to Major-General Sherman.

APPROVED, January 10, 1865.

Jan. 18, 1865.

[No. 6.] *Joint Resolution providing for the Termination of the Reciprocity Treaty of fifth June, eighteen hundred and fifty-four, between the United States and Great Britain.*

Notice to terminate the Reciprocity Treaty with Great Britain.

WHEREAS it is provided in the Reciprocity Treaty concluded at Washington, the fifth of June, eighteen hundred and fifty-four, between the United States, of the one part, and the United Kingdom of Great Britain and Ireland, of the other part, that this treaty "shall remain in force for ten years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same;" and whereas it appears, by a proclamation of the President of the United States, bearing date sixteenth March, eighteen hundred and fifty-five, that the treaty came into operation on that day; and whereas, further, it is no longer for the interests of the United States to continue the same in force: Therefore,

Vol. x. p. 1089.

Vol. x. p. 1179.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notice be given of the termination of the Reciprocity Treaty, according to the provision therein contained for the termination of the same; and the President of the United States is hereby charged with the communication of such notice to the government of the United Kingdom of Great Britain and Ireland.

APPROVED, January 18, 1865.

Jan. 24, 1865.

[No. 7.] *A Resolution to present the Thanks of Congress to Brevet Major-General Alfred H. Terry, and the Officers and Men under his Command.*

Thanks to Brevet Major-General Terry, &c.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby presented to Brevet Major-General Alfred H. Terry, and to the officers and men under his command, for the unsurpassed gallantry and skill exhibited by them in the attack upon Fort Fisher, and the brilliant and decisive victory by which that important work has been captured from the rebel forces and placed in the possession and under the authority of the United States; and for their long and faithful services and unwavering devotion to the cause of the country, in the midst of the greatest difficulties and dangers.

Communication of resolution.

SEC. 2. *And be it further resolved*, That the President of the United States be, and he hereby is, requested to communicate this resolution to General Terry, and through him to the officers and soldiers under his command.

APPROVED, January 24, 1865.

Jan. 24, 1865.

[No. 8.] *A Resolution tendering the Thanks of Congress to Rear-Admiral David D. Porter, and to the Officers, Petty Officers, Seamen, and Marines under his Command, for their Gallantry and good Conduct in the recent Capture of Fort Fisher.*

Thanks to Rear-Admiral Porter, &c.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby presented to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for the unsurpassed gallantry and skill exhibited by them in the attacks upon Fort Fisher, and the brilliant and decisive victory by which that important work has been captured from the rebel forces and placed in the possession and under the authority of the United States; and for their long and faithful services and unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.

SEC. 2. *And be it further resolved*, That the President of the United States be requested to communicate this resolution to Admiral Porter, and through him to the officers, seamen, and marines under his command. Communication of resolution.

APPROVED, January 24, 1865.

[No. 9.] *Joint Resolution authorizing the Secretary of the Treasury to give the necessary Notice stipulated pending the Intention of the United States to purchase the Building known as Merchants' Exchange, New York City, now used for Custom-House Purposes.* Jan. 25, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to give notice to the owners of the building in New York city known as the Merchants' Exchange, and occupied as a custom-house, of the intention of the United States to purchase the same, for the sum of one million dollars, in accordance with the terms stipulated in the existing lease of the property to the government. Notice to owners of Merchants' Exchange in New York.

APPROVED, January 25, 1865.

[No. 10.] *Joint Resolution reserving Mineral Lands from the Operation of all Acts, passed at the first Session of the Thirty-eighth Congress, granting Lands, or extending the Time of former Grants.* Jan. 30, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no act passed at the first session of the thirty-eighth congress, granting lands to states or corporations, to aid in the construction of roads or for other purposes, or to extend the time of grants heretofore made, shall be so construed as to embrace mineral lands, which in all cases shall be, and are, reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant. Grants of lands to states or corporations not to include mineral lands.

APPROVED, January 30, 1865.

[No. 11.] *A Resolution submitting to the Legislatures of the several States a Proposition to amend the Constitution of the United States.* Feb. 1, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring,) That the following article be proposed to the legislatures of the several states as an amendment to the constitution of the United States, which, when ratified by three fourths of said legislatures, shall be valid, to all intents and purposes, as a part of the said constitution, namely: — Proposed amendment of the constitution.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

APPROVED, February 1, 1865.

[No. 12.] *Joint Resolution declaring certain States not entitled to Representation in the Electoral College.* Feb. 8, 1865.

WHEREAS the inhabitants and local authorities of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee rebelled against the government of the United States, and were in such condition on the eighth day of November, eighteen hundred and sixty-four, that no valid election for electors of President and Vice-President of the United States, according to the constitution and laws thereof, was held therein on said day: Therefore, Preamble.

Be it resolved by the Senate and House of Representatives of the United

Certain states in rebellion declared not entitled to representation in the electoral college.

States of America in Congress assembled, That the states mentioned in the preamble to this joint resolution are not entitled to representation in the electoral college for the choice of President and Vice-President of the United States, for the term of office commencing on the fourth day of March, eighteen hundred and sixty-five; and no electoral votes shall be received or counted from said states concerning the choice of President and Vice-President for said term of office.

APPROVED, February 8, 1865.

Feb. 9, 1865. [No. 13.] *Joint Resolution to terminate the Treaty of eighteen hundred and seventeen, regulating the naval Force on the Lakes.*

Preamble. Vol. viii. p. 231.

WHEREAS the United States, of the one part, and the United Kingdom of Great Britain and Ireland, of the other part, by a treaty bearing date April, eighteen hundred and seventeen, have regulated the naval force upon the lakes, and it was further provided that "if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice;" and whereas the peace of our frontier is now endangered by hostile expeditions against the commerce of the lakes, and by other acts of lawless persons, which the naval force of the two countries, allowed by the existing treaty, may be insufficient to prevent; and whereas, further, the President of the United States has proceeded to give the notice required for the termination of the treaty by a communication which took effect on the twenty-third November, eighteen hundred and sixty-four: Therefore,

Notice to terminate the treaty regulating the naval force on the lakes.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice given by the President of the United States to the government of Great Britain and Ireland to terminate the treaty of eighteen hundred and seventeen, regulating the naval force upon the lakes, is hereby adopted and ratified as if the same had been authorized by congress.

APPROVED, February 9, 1865.

Feb. 9, 1865. [No. 14.] *Joint Resolution tendering the Thanks of Congress to Major-General Philip H. Sheridan and the Officers and Men under his Command.*

Thanks to Major-General Sheridan, and his officers and men.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby tendered to Major-General Philip H. Sheridan and to the officers and men under his command, for the gallantry, military skill, and courage displayed in the brilliant series of victories achieved by them in the valley of the Shenandoah, and especially for their services at Cedar Run, on the nineteenth day of October, eighteen hundred and sixty-four, which re trieved the fortunes of the day, and thus averted a great disaster.

Resolution to be communicated.

SEC. 2. *And be it further resolved*, That the President of the United States be, and hereby is, requested to communicate this resolution to Major-General Sheridan, and through him to the officers and soldiers under his command.

APPROVED, February 9, 1865.

Feb. 14, 1865. [No. 15.] *A Resolution providing for the Compilation of a Congressional Directory at each Session.*

Congressional Directory.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congressional Directory be compiled under the direction of the joint committee on public printing, and published by the superintendent of public printing — the first edition for each session to be ready for distribution within one week after the commencement thereof.

APPROVED, February 14, 1865.

[No. 16.] *A Resolution appointing General Richard Delafield to be a Regent of the Smithsonian Institution.* Feb. 14, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard Delafield, resident of Washington city, be, and he hereby is, appointed a regent of the Smithsonian Institution, in the place of Joseph G. Totten, deceased. General Richard Delafield to be regent of Smithsonian Institution.

APPROVED, February 14, 1865.

[No. 17.] *A Resolution to extend the Time for the Reversion to the United States of the Lands granted by Congress to aid in the Construction of a Railroad from Pere Marquette to Flint, and for the Completion of said Road.* Feb. 17, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time specified in the fourth section of the act of congress approved June three, eighteen hundred and fifty-six, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said state, and for other purposes," for the reversion to the United States of the lands granted by said act to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road, be, and the same is hereby, extended for the term of five years. Time for reversion to the United States of certain lands in Michigan granted to railroads, extended. 1856, ch. 44, § 4. Vol. xi. p. 22.

APPROVED, February 17, 1865.

[No. 18.] *Joint Resolution to enable the Secretary of the Treasury to obtain the Title to certain Property in Carson City and State of Nevada, for the Purposes of a Branch Mint located in said Place.* Feb. 23, 1865.

WHEREAS the Secretary of the Treasury of the United States, in order to carry into effect an act entitled "An act to establish a branch mint of the United States in the Territory of Nevada," approved March third, eighteen hundred and sixty-three, has purchased of Moses Job and Margaret, his wife, and James L. Riddle, the preëmptors and occupants thereof, certain city or town lots in said Carson City, together with all the valuable improvements thereon; and whereas it is highly important for the interest of the government to obtain, at an early day, the use and possession of said property, to establish and open said branch mint: Therefore, Preamble. 1863, ch. 96. Vol. xii. p. 770.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to receive and accept from said Moses Job and Margaret, his wife, and James L. Riddle, such relinquishments and conveyances of their right and claim to said lots and property as he, the said Secretary, shall deem sufficient for the extinguishment of any claim, right, or title which the said Moses Job and Margaret, his wife, and James L. Riddle may or can have thereto; and said lots and property shall thereafter be reserved from public sale, preëmption, or homestead settlement, and shall remain the property of the United States. Title to certain real estate in Carson City to be obtained for a branch mint.

APPROVED, February 23, 1865.

[No. 19.] *Joint Resolution to facilitate the Adjustment of certain Accounts of the American Colonization Society for the Support of recaptured Africans in Liberia.* Feb. 23, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to adjust and settle the accounts of the American Colonization Society for the support of recaptured Africans in Liberia, under contracts made for that purpose under the authority of the act of congress approved June sixteenth, eighteen hundred and sixty, on the principles of equity. Accounts of the American Colonization Society to be adjusted. 1860, ch. 136. Vol. xii. p. 40.

APPROVED, February 23, 1865.

Feb. 25, 1865.

[No. 20.] *Joint Resolution directing the Secretary of the Treasury to issue American Registers to British Schooners "Minnie Williams" and "E. M. Baxter."*

Registers to issue to the schooners "Minnie Williams," and "E. M. Baxter."

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to issue American registers to the British-built schooners "Minnie Williams" and "E. M. Baxter," said vessels being now owned by a citizen of Buffalo, New York.

APPROVED, February 25, 1865.

Feb. 28, 1865.

[No. 23.] *Joint Resolution in Relation to the Distribution of Books and Documents.*

Distribution of certain books and documents.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the undistributed portions of the books and documents heretofore printed or purchased for its use by order of either house of congress, previous to the thirty-seventh congress, and now deposited in the Interior Department and elsewhere, be distributed to members of the present congress, under the direction of the joint committee on printing; and said committee is hereby directed to divide the books in question into parcels equal in number to the whole number of senators, representatives, and delegates from territories, and as nearly equal in value and importance as possible, and to distribute them to the senators, representatives, and delegates by such method as may be found most feasible and proper.

APPROVED, February 28, 1865.

March 2, 1865.

[No. 24.] *Joint Resolution to provide for the Publication of a full Army Register.*

Full army register to be published.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to cause to be printed and published a full roster or roll of all general, field, line, and staff officers of volunteers who have been in the army of the United States at any time since the beginning of the present rebellion, including all informal organizations which have been recognized or accepted and paid by the United States, showing whether they are yet in the service, or have been discharged therefrom, and giving casualties and other explanations proper for such register. And, to defray in whole or in part the expenses of this publication, an edition of twenty-five thousand copies of such enlarged register shall be published and may be sold to officers, soldiers, or citizens, at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed one dollar per volume.

Copies may be sold.

APPROVED, March 2, 1865.

March 2, 1865.

[No. 25.] *Joint Resolution authorizing a Contract with William H. Powell for a Picture for the Capitol.*

Contract with William H. Powell for picture.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee on the library be, and they are hereby, directed to enter into a contract with William H. Powell, of the State of Ohio, to paint a picture for the United States, to be placed at the head of one of the grand staircases in the Capitol, illustrative of some naval victory; the particular subject of the painting to be agreed on by the committee and the artist: *Provided*, That the entire expense of said picture shall not exceed twenty-five thousand dollars, and two thousand dollars shall be paid to said William H. Powell, in advance, to enable him to prepare for the work, the remainder of said instalments at intervals of not less than one year, the last instalment to be retained until the picture is completed and put up.

Expense not to exceed $25,000.

Mode of payment.

APPROVED, March 2, 1865.

[No. 27.] *A Resolution to encourage the Employment of disabled and discharged Soldiers.* March 3, 1865.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, should be preferred for appointments to civil offices, provided they shall be found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Preference in appointments to civil offices to be given to disabled and discharged soldiers.

SEC. 2. *And be it further resolved,* That, in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situation[s] and employments.

General preference recommended.

APPROVED, March 3, 1865.

[No. 28.] *Joint Resolution of Thanks to Major-General George H. Thomas and the Army under his Command.* March 3, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are due, and are hereby tendered, to Major-General George H. Thomas and the officers and soldiers under his command for their skill and dauntless courage, by which the rebel army under General Hood was signally defeated and driven from the State of Tennessee.

Thanks of congress to Major-General Thomas, &c.

APPROVED, March 3, 1865.

[No. 29.] *A Resolution to encourage Enlistments and to promote the Efficiency of the military Forces of the United States.* March 3, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of encouraging enlistments and promoting the efficiency of the military and naval forces of the United States, it is hereby enacted that the wife and children, if any he have, of any person that has been, or may be, mustered into the military or naval service of the United States, shall, from and after the passage of this act, be forever free, any law, usage, or custom whatsoever to the contrary notwithstanding; and in determining who is or was the wife and who are the children of the enlisted person herein mentioned, evidence that he and the woman claimed to be his wife have cohabited together, or associated as husband and wife, and so continued to cohabit or associate at the time of the enlistment, or evidence that a form or ceremony of marriage, whether such marriage was or was not authorized or recognized by law, has been entered into or celebrated by them, and that the parties thereto thereafter lived together, or associated or cohabited as husband and wife, and so continued to live, cohabit, or associate at the time of the enlistment, shall be deemed sufficient proof of marriage for the purposes of this act, and the children born of any such marriage shall be deemed and taken to be the children embraced within the provisions of this act, whether such marriage shall or shall not have been dissolved at the time of such enlistment.

Wife and children of persons enlisted into the military or naval service to be free.

Evidence of marriage, &c.

APPROVED, March 3, 1865.

[No. 30.] *A Resolution to authorize and direct an Inventory of Articles in the Quartermaster's Depots of the United States, and in the Possession of the Naval Storekeepers of the United States.* March 3, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, directed to cause a strict inspection to be made of the quartermaster's department, as soon as practicable after the passage of this

Inspection to be made of quartermaster's department.

Comparison between reports and articles on hand.

resolution, and a comparison to be made between the reports of the officers in charge of the quartermaster's depots at New York, Philadelphia, Cincinnati, Saint Louis, and Louisville, and the articles on hand.

Inventory of property in possession of naval storekeepers.

SEC. 2. *And be it further resolved*, That the Secretary of the Navy, in like manner, be directed to cause an inventory to be made of all the property of the United States, in possession of the several naval storekeepers of the United States.

APPROVED, March 3, 1865.

March 3, 1865.

[No. 31.] *A Resolution relating to International Exhibitions at Bergen, in Norway, and Oporto, in Portugal, during the Summer of eighteen hundred and sixty-five.*

Preamble.

WHEREAS the governments of the kingdom of Sweden and Norway, and of the kingdom of Portugal, have communicated to the government of the United States the programmes of two international exhibitions to be held respectively at Bergen, in Norway, and at Oporto, in Portugal, during the summer of eighteen hundred and sixty-five: Therefore,

International exhibitions at Bergen, Norway, and Oporto, Portugal.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby charged with the duty of making known to the people of the United States, by proclamation, or otherwise, as shall to him seem best, the facts in his possession relating to the international exhibitions proposed to be held at Bergen, Norway, and Oporto, Portugal, during the summer of eighteen hundred and sixty-five, and of inviting their participation therein: *Provided*, That no expense shall be incurred for any agency with regard to such exhibition; nor shall any claim of any agent of our government be hereafter recognized.

Proviso.

APPROVED, March 3, 1865.

March 3, 1865.

Vol. xii. p. 117.

[No. 32.] *Joint Resolution to amend the joint Resolution entitled "Joint Resolution in Relation to the Public Printing," approved June twenty-third, eighteen hundred and sixty.*

Paper for printing, how purchased.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of public printing shall be, and he is hereby, authorized to purchase the paper required for the public printing by accepting the sealed proposals of the lowest bidder or bidders for any specific portion or portions of the whole amount of any particular kind of paper required, for either three months, six months, or one year, the minimum portion to be specified by the superintendent in his advertisement for proposals, and to be as low as will, in his judgment, most increase competition, and be most advantageous to the United States. In all other respects the proposals and contracts shall be subject to the conditions and requirements of the existing law; and any contractor failing to comply with the terms of his contract, under this resolution, shall be liable to the same extent, and in the same manner as provided in the like case in the joint resolution hereby amended; and it shall be the duty of the superintendent to report fully in regard to all proposals and contracts for paper in his annual report to congress, and also in regard to all proposals and contracts for lithographing and engraving.

APPROVED, March 3, 1865.

March 3, 1865.

[No. 33.] *A Resolution directing Inquiry into the Condition of the Indian Tribes, and their Treatment by the Civil and Military Authorities.*

Joint committee on the condition of the Indian tribes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be raised a joint committee, to consist of three members of the Senate, to be appointed by the president of the Senate, and four members of the present House, to be appointed by the speaker of the House of Representatives, to inquire into the present condition of the Indian tribes, and especially into the manner in which they are treated by the civil and military authorities of the United States,

Duties and powers.

with power to sit during the recess of congress; to send for persons and papers; to employ a clerk, to subpœna or compel the attendance of witnesses; to hear the complaints of Indian chiefs, and examine fully into the conduct of Indian agents and superintendents, and also into the management of the bureau of Indian affairs in the Department of the Interior; and to report at the next session of congress such legislation as may be necessary for the better administration of Indian affairs; and that there be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars to defray the expenses of the same.

Report.

Appropriation.

APPROVED, March 3, 1865.

[No. 34.] *A Resolution to extend the Time for constructing the Burlington and Missouri River Railroad, in Iowa, and filing a Map of Relocation.*

March 3, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time allowed by the eighth section of the act entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said state,' approved May fifteenth, eighteen hundred and fifty-six," for the construction annually of sections of twenty miles each of the Burlington and Missouri River railroad, be, and the same is hereby, extended one year, and that the provision of the second section of the act approved first of July, eighteen hundred and sixty-four, entitled "An act to regulate the compensation of registers and receivers of the land-offices in the several states and territories in the location of lands by the states and corporations under grants by congress," which requires that a map of the change of location shall be filed with the commissioner of the general land-office within one year, be, and the same is hereby, repealed.

Time for constructing Burlington and Missouri River Railroad, &c., extended.

1856, ch. 28. Vol. xi. p. 9.

1864, ch. 103. § 8. *Ante*, p. 98.

1864, ch. 196, § 2. *Ante*, p. 335.

APPROVED, March 3, 1865.

[No. 35.] *A Resolution transferring Maps and other Documents relating to the Surveys of the Pacific Railroad to the Department of the Interior.*

March 3, 1865.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all maps, profiles, and other drawings, together with estimates and reports connected with explorations and surveys for the Pacific Railroad, made under the authority of the government, and all other information upon the subject of said road in the possession of any department of the government, be transferred to the Department of the Interior; and that the Secretary of the Interior be authorized to furnish copies of the same, free of charge, to the Union Pacific Railroad Company, so far as they may be useful in aiding said company in determining the proper route for said road.

Department of the Interior to possess all maps, &c., of surveys for Pacific Railroad.

Copies to be furnished.

APPROVED, March 3, 1865.

[No. 36.] *A Resolution respecting the Publication of the Papers of James Madison.*

March 3, 1865.

WHEREAS the joint committee of the two houses of congress on the library were authorized by an act approved August 18th, 1856, and amended June 25th, 1860, to cause to be printed and published one thousand copies of the papers of James Madison; and whereas the sum appropriated for such purpose has been found insufficient: Therefore,

Preamble.

1856, ch. 162. Vol. xi. p. 117.

1860, ch. 211. Vol. xii. p. 109.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said joint library committee are hereby authorized to contract for the publishing of five hundred copies of said papers, in lieu of the one thousand copies heretofore authorized, and for the same sum.

Edition of Madison papers.

APPROVED, March 3, 1865.

March 3, 1865. [No. 37.] *A Resolution to purchase Mail Pouches or Boxes of Marshall Smith's Patent for the Postal Service, and for other Purposes.*

Mail-pouches, &c., of Marshall Smith's patent may be bought for postal service.

Patent for fastening mail-bags.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to purchase of Marshall Smith such number of mail pouches or boxes (constructed on the principle of letters-patent issued April twenty-eight, eighteen hundred and sixty-three, and May seventeen, eighteen hundred and sixty-four, to said Smith) as he may deem proper to fully test their utility and value in the postal service; and also to test a new mode of fastening mail-bags, invented by Solomon Andrews, and to secure a patent for the same, and that the expense thereof shall be paid out of any appropriation heretofore made or hereafter to be made to the Post-Office Department.

APPROVED, March 3, 1865.

PRIVATE ACTS OF THE THIRTY-EIGHTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, A. D. 1863, *and ended on Monday, the fourth day of July, A. D.* 1864.

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

CHAP. X. — *An Act to indemnify the Owners of the British Schooner Glen.* Feb. 13, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the owners of the British schooner "Glen," out of any money in the treasury not otherwise appropriated, the sum of seventeen thousand one hundred and fifty dollars and sixty-six cents, the same being the amount awarded as an indemnification to the parties interested, by the district court of the United States of America for the southern district of New York, for costs, damages, and expenses, by reason of the illegal seizure of the said vessel and cargo as prize.

Indemnity to owners of British schooner Glen.

APPROVED, February 13, 1864.

CHAP. XII. — *An Act for the Relief of the Heirs of Noah Wiswall.* Feb. 22, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the United States be, and are hereby, directed to audit an account between the United States and the legal representatives of Noah Wiswall, assignee of Daniel Chilson, for the amount of purchase-money paid by said Daniel Chilson on the thirteenth day of July, eighteen hundred and thirty-five, by his agent, Amariah Watson, to J. W. Stephenson, receiver of public moneys at Galena, Illinois, per receipt number twelve hundred and eighty-two, for eighty acres of the west half of the southwest quarter of section number fifteen, in township number sixteen north, of range number eight east, of the fourth principal meridian, at the rate of one dollar and twenty-five cents per acre; and that the Secretary of the Treasury be, and is hereby, directed to pay said amount upon such adjustment, out of any money in the treasury not otherwise appropriated.

Accounts of heirs of Noah Wiswall with the United States to be adjusted and paid.

APPROVED, February 22, 1864.

CHAP. XIX. — *An Act to authorize the Settlement of the Accounts of Paymaster E. C. Doran.* March 3, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the payments made by William H. Peters, of Virginia, to the mechanics, laborers, and other employees of the Norfolk Navy Yard, for wages due to them by the

United States, for services and labor rendered to the twentieth day of April, eighteen hundred and sixty-one, and the rolls and vouchers therefor on file in the office of the fourth auditor of the treasury, be, and the same are hereby, legalized for the benefit of Paymaster Edward C. Doran, of the United States Navy; and that the accounting officers of the treasury be, and they are hereby, authorized to credit the said Paymaster Edward C. Doran, in the settlement of his account, with the sum of twenty-nine thousand three hundred and eighty-one dollars. ($29,381.)

Accounts of Edward C. Doran to be adjusted and $29,381 paid him.

APPROVED, March 3, 1864.

March 8, 1864.

CHAP. XXV. — *An Act for the Relief of John H. Shepherd and Walter K. Caldwell, of Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be instructed to allow and pay to the said Shepherd and Caldwell, all sums of money remaining due and unpaid and heretofore withheld by the post-office department for carrying the mails during the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, on routes numbered eight thousand eight hundred and eighteen and eight thousand eight hundred and forty-nine, in the State of Missouri; said payments to be made for the time during which service was actually performed on said routes, at the rate of twenty-one hundred dollars per year on route number eight thousand eight hundred and eighteen, and at the rate of fourteen hundred and sixty dollars on route number eight thousand eight hundred and forty-nine, without making any deduction on account of the refusal of said contractors to enter into new contracts for performing extra service, or on account of reletting the same. And the Postmaster General is further instructed to pay to said contractors any sums of money due them for carrying the mails on routes numbered eight thousand eight hundred and nineteen and eight thousand eight hundred and seventy-two, in said State, during the years aforesaid, and withheld by the post-office department, on account of the reletting of the two routes first named.

Payments to be made John H. Shepherd and Walter K. Caldwell for carrying the mails.

APPROVED, March 8, 1864.

March 8, 1864.

CHAP. XXVI. — *An Act for the Relief of L. F. Cartee.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioner of the general land office be, and he is hereby, authorized to pay to L. F. Cartee the sum of three thousand and thirty-three dollars and fifty cents, for services performed in surveys of the public lands in the State of Oregon in excess of his contract with the surveyor-general of Oregon, dated October fourteen, eighteen hundred and sixty, and the sum of three thousand and thirty-three dollars and fifty cents is hereby appropriated for said payment, out of any money in the treasury not otherwise appropriated: *Provided*, That before any payment is made, as provided for by this act, the work performed by said L. F. Cartee shall be tested in the field by actual examination thereof, under the direction of the surveyor-general of Oregon, and any correction made, necessary to make it conformable to the laws of the United States and the instructions governing the surveys of the public lands, at the expense of the said L. F. Cartee, and the balance only of said appropriation paid him after deducting said expense of inspection and correction, and when the certificate of the surveyor-general of Oregon is filed with the commissioner of the general land office that said survey is complete according to the law and regulations governing public surveys.

Payment of $3033.50 to L. F. Cartee for surveys of lands in Oregon.

APPROVED, March 8, 1864.

CHAP. XXIX. — *An Act for the Benefit of John Dickson, of Illinois.* March 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-one thousand dollars be paid to John Dickson, of Illinois, to compensate him for the damages he sustained by reason of the failure of J. W. Belger, quartermaster of United States volunteers, to receive one hundred thousand bushels of corn tendered him by said Dickson, under a contract therefor, and that the same be paid out of any money in the treasury not otherwise appropriated.

$21,000 damages to be paid John Dickson for breach of contract.

APPROVED, March 11, 1864.

CHAP. XXXII. — *An Act granting a Pension to John L. Burns, of Gettysburg, Pennsylvania.* March 14, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of John L. Burns, of Gettysburg, in the State of Pennsylvania, upon the pension roll, at the rate of eight dollars per month, for patriotic services at the battle of Gettysburg, where he was wounded, on the first day of July, anno Domini eighteen hundred and sixty-three, at which time said pension shall commence.

Pension to John L. Burns.

APPROVED, March 14, 1864.

CHAP. XXXVIII. — *An Act for the Relief of the Owners of the French Ship "La Manche."* March 22, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of paying the indemnity awarded to the owners of the French ship "La Manche," there be appropriated, out of any money in the treasury not otherwise appropriated, a sufficient amount to purchase a bill of exchange on Paris for the sum of one hundred and forty thousand seven hundred and thirty-five and fifteen one-hundredths francs, with interest on the said sum at six per centum, from February five, last past, down to the date of the bill of exchange.

Indemnity to the owners of the French ship "La Manche."

APPROVED, March 22, 1864.

CHAP. XLIII. — *An Act for the Relief of E. F. and Samuel A. Wood.* March 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to issue, or cause to be issued, executed, and delivered to E. F. and Samuel A. Wood duplicates of the following described bonds of the United States of America treasury department, for the Oregon war debt, issued by the United States under an act of congress approved March two, eighteen hundred and sixty-one, payable at any time after the first day of July, eighteen hundred and eighty-one, at the treasury of the United States, with interest at the rate of six per centum per annum, viz: numbers thirteen hundred and twenty-nine, and thirteen hundred and thirty-four, to thirteen hundred and thirty-eight, inclusive, for the sum of five hundred dollars each; and number two hundred and seventy-one for fifty dollars, dated Washington, March twenty-four, eighteen hundred and sixty-two; and numbers thirteen hundred and fifty-two to thirteen hundred and fifty-nine, inclusive, for five hundred dollars each; number six hundred and sixty-five for one hundred dollars, and number two hundred and sixty-six for fifty dollars, dated Washington, March twenty-four, eighteen hundred and sixty-two; and number eight hundred and seventy-seven for one hundred dollars; number four hundred for fifty dollars, dated Washington, May twenty-second,

Duplicates of nineteen Oregon war bonds to be issued to E. F. and Samuel A. Wood, upon their giving the usual indemnity.

1861, ch. 71. Vol. xii. p. 199.

eighteen hundred and sixty-two, and each and severally signed "L. E. Chittenden, Register of the Treasury," entered R. E., recorded J. O., with thirty-seven interest coupons attached to each of the five hundred dollar bonds for fifteen dollars each, payable semi-annually; eighteen interest coupons attached to bond number six hundred and sixty-five, and nineteen interest coupons attached to bond number eight hundred and seventy-seven for six dollars each; eighteen interest coupons attached to bonds numbers two hundred and sixty-six and two hundred and seventy-one; nineteen interest coupons attached to bond number four hundred for three dollars each, payable annually, all of which coupons are signed "G. Luff, for the Register of the Treasury;" in all nineteen Oregon war bonds, amounting to the sum of seven thousand three hundred and fifty dollars: *Provided*, That before the issue of such duplicate bonds said E. F. and Samuel A. Wood, or either of them, shall execute, or cause to be executed, and deposited with the Secretary of the Treasury of the United States, to the full acceptance and satisfaction of said secretary, such bond of indemnity as is usually required by the regulations of the treasury department for the issue of duplicate certificates of inscribed stocks and bonds.

Approved, March 28, 1864.

March 28, 1864.

Chap. XLIV. — *An Act in Favor of the Legal Representatives of Israel C. Wait.*

$1500 to be paid the legal representatives of Israel C. Wait.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to the legal representatives of Israel C. Wait, late lieutenant in the United States navy, the sum of fifteen hundred dollars, it being the amount of an unpaid balance due the said Wait under the act of January sixteenth, eighteen hundred and fifty-seven, entitled "An act to amend an act entitled 'An act to promote the efficiency of the navy,'" and the sum of fifteen hundred dollars is hereby appropriated for this purpose.

1857, ch. 00. Vol. xi. p. 000.

Approved, March 28, 1864.

April 9, 1864.

Chap. LV. — *An Act for the Relief of Daniel Wormer.*

Payment to Daniel Wormer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the treasury not otherwise appropriated, to pay to Daniel Wormer the sum of one thousand seven hundred and seventy-eight dollars and thirty-six cents, in full for all percentage retained by the government on payments heretofore made to him, and for all timber or other materials furnished by him in the construction of the pier at Little Sodus Bay, on Lake Ontario.

Approved, April 9, 1864.

April 9, 1864.

Chap. LVI. — *An Act for the Relief of Darius S. Cole.*

Payment to Darius S. Cole.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the treasury not otherwise appropriated, to pay to Darius S. Cole the sum of two thousand two hundred and twenty-four dollars, in full for materials furnished to the United States for the construction of the pier in Little Sodus Bay, Lake Ontario.

Approved, April 9, 1864.

CHAP. LVII. — *An Act for the Relief of William G. Brown.* April 9, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the treasury not otherwise appropriated, to pay to William G. Brown the sum of ninety-nine dollars, in full for stone or other materials used by order of the agents of the government in the construction of a pier in Little Sodus Bay, on Lake Ontario, in the year one thousand eight hundred and fifty-three.

Payment to William G. Brown.

APPROVED, April 9, 1864.

CHAP. LXII. — *An Act confirming the Title of Joseph Ford to certain Lands in Rice County, in the State of Minnesota.* April 19, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of Joseph Ford in and to the following described lands, to wit: the south half of the north-east quarter, and the southeast quarter of the northwest quarter, and the northwest quarter of the southeast quarter of section six, in township one hundred and eleven, of range nineteen, in Rice County, in the State of Minnesota, containing one hundred and sixty acres, be, and the same is hereby, fully and absolutely confirmed, and that a patent be issued to the said Joseph Ford for the same.

Title of Joseph Ford to certain lands in Minnesota confirmed, and patent to issue therefor.

APPROVED, April 19, 1864.

CHAP. LXXV. — *An Act for the Relief of William C. Walker, and Others.* May 3, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the treasury not otherwise appropriated, the sum of six hundred and sixty-four dollars and ninety cents to the following persons, and in the sums following, viz: To William C. Walker, eighty-three dollars and twenty-five cents; to John S. Emrie, seventy dollars; to A. G. Crane, ninety-seven dollars and fifty cents; to George W. Pilbean, twenty-one dollars and fifty cents; to E. Goodrich, eighty-seven dollars and seventy-five cents; to Jacob Cox, eleven dollars and twenty-five cents; to Thomas Lamkin, ninety-two dollars and twenty-five cents; to Porter Durell, ninety dollars; to Matthew Randall, ninety-six dollars and seventy-five cents; to David Lynn, five dollars and fifty cents; to Andrew Lisk, four dollars; to William Burkes, three dollars; to William Depuy, two dollars and twenty-five cents, for labor done and performed by the above-named persons, respectively, on the bridge across the Ohio River and floating battery at Paducah, by and under the direction of General John C. Fremont, while commanding the army of the west.

Payments to William C. Walker, John S. Emrie, A. G. Crane, George W. Pilbean, E. Goodrich, Jacob Cox, Thomas Lamkin, Porter Durell, Matthew Randall, David Lynn, Andrew Lisk, William Burkes, William Depuy.

APPROVED, May 3, 1864.

CHAP. LXXVI. — *An Act for the Relief of Jesse Williams.* May 3, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioner of the general land-office be directed to issue a patent to Jesse Williams, of Jefferson County, Iowa, for the west half of the northwest quarter of section fifteen, township sixty-seven, north of range fifteen west, in the State of Iowa. *Provided, however*, That no rights acquired by other persons shall be effected by this act.

Land patent to issue to Jesse Williams

Proviso.

APPROVED, May 3, 1864.

May 16, 1864.

CHAP. LXXXVII. — *An Act to authorize the Settlement of the Accounts of A. Bush, late Public Printer for the Territory of Oregon.*

Accounts of Asahel Bush, public printer of Oregon, to be settled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the treasury be, and hereby is, authorized to audit and allow the account of Asahel Bush, late public printer of the Territory of Oregon, for printing, binding, and so forth, in the year eighteen hundred and fifty-five, five hundred copies of the statutes enacted by the legislative assembly of said territory at its sessions of eighteen hundred and fifty-three and four, and eighteen hundred and fifty-four and five, and allow for the same such prices as were by law allowable for such services at that time; and that the amount that shall be found due upon said account shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, May 16, 1864.

May 19, 1864.

CHAP. XC. — *An Act for the Relief of Margaret M. Stafford, Widow of Reuben Stafford, of Coshocton County, Ohio.*

Pension to Margaret M. Stafford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Margaret M. Stafford, widow of Reuben Stafford, of Coshocton County, Ohio, on the pension-roll, at the rate of eight dollars per month, to commence on the twenty-sixth day of August, eighteen hundred and sixty-three, and to continue during her widowhood.

APPROVED, May 19, 1864.

May 19, 1864.

CHAP. XCI. — *An Act for the Relief of Charles L. Nelson.*

Payment to Charles L. Nelson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Charles L. Nelson the sum of three hundred and eight dollars, out of any money in the treasury not otherwise appropriated, it being for his services as agent for the improvement of the harbor of Burlington, Vermont, from the fifteenth day of January, eighteen hundred and fifty-three, to the second day of April, eighteen hundred and fifty-three, inclusive, at four dollars per day.

APPROVED, May 19, 1864.

May 28, 1864.

CHAP. C. — *An Act for the Relief of Julia A. Ames.*

Pension to Julia A. Ames.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Julia A. Ames, widow of John E. Ames, late a sergeant in the sixth regiment of Massachusetts volunteers, and who died of injuries received in the city of Baltimore on the nineteenth of April, eighteen hundred and sixty-one, upon the pension-roll, at the rate of eight dollars per month, from the said nineteenth day of April, eighteen hundred and sixty-one, to continue during her widowhood.

APPROVED, May 28, 1864.

June 2, 1864.

CHAP. CV. — *An Act for the Relief of Frederick A. Beelen, late Secretary of Legation to Chili.*

Payment to Frederick A. Beelen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay to Frederick A. Beelen, late Secretary of legation to Chili, the sum of one hundred and sixty-six dollars and sixty-six cents, out of any money in the treasury not otherwise appropriated, in full for difference in salary under the several acts of congress on

that subject, while he acted as such secretary, before he was informed of such reduction, and until he had full time to return to the United States.

Approved, June 2, 1864.

Chap. CXII. — *An Act for the Relief of Warren W. Green.* June 7, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the treasury not otherwise appropriated, to Warren W. Green the sum of forty-seven dollars and seventy-nine cents, being for his services on the Fort Kearney and Honey Lake wagon-road, in the year eighteen hundred and fifty-seven. Payment to Warren W. Green.

Approved, June 7, 1864.

Chap. CXLVI. — *An Act for the Relief of Rhoda Wolcott, Widow of Henry Wolcott.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rhoda Wolcott, widow of Henry Wolcott, who was a private in a company of New York United States detached militia, of the regiment commanded by Colonel Thomas B. Benedict, in the war of eighteen hundred and twelve, on the pension roll, at the rate of four dollars per month, said pension to begin on the fourteenth day of November, eighteen hundred and sixty, and to continue during her widowhood. Pension to Rhoda Wolcott.

Approved, June 20, 1864.

Chap. CLXI. — *An Act to increase the Pension of Isaac Allen.* June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to raise the pension of Isaac Allen from a half to a full pension, and to pay him such increased pension from the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and sixty-four, and continue during his natural life. Pension of Isaac Allen increased.

Approved, June 25, 1864.

Chap. CLXXXVI. — *An Act concerning certain Locations of Lands in the State of Missouri.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to all of the lands within the respective boundaries of the following described locations in township forty-five north, of the base line, in range seven east, of the fifth principal meridian line, in the State of Missouri, made by virtue of certificates issued under the act of congress, approved February the seventeenth, eighteen hundred and fifteen, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes," shall be, and the same are hereby, granted, relinquished, and conveyed by the United States, in fee simple and in full property, to the following mentioned persons, respectively, or their respective legal representatives, in whose names said locations were severally made, to wit: Location under certificate number one hundred and sixty-one, being survey number two thousand five hundred, in the name of Joseph Hunot, or his legal representatives; location under certificate number three hundred The interest of the United States in certain lands in Missouri granted to 1815, ch. 45. Vol. iii. p. 211. Joseph Hunot,

and forty-eight, being survey number two thousand seven hundred and twelve, in the name of James Conway, or his representatives; location under certificate number one hundred and fifty-nine, being survey number two thousand four hundred and ninety-one, in the name of J. Smith, or his legal representatives; location under certificate number one hundred and forty-five, being survey number two thousand four hundred and ninety-nine, in the name of Martin Coontz, or his legal representatives; location under certificate number nineteen, being survey number two thousand six hundred and ninety-two, in the name of Joseph Genereux, or his representatives; location under certificate number sixteen, being survey number two thousand six hundred and twenty, in the name of Francis Delisle, or his legal representatives; and location under certificate number one hundred and sixty-four, being survey number two thousand five hundred and forty-one, in the name of John Brooks, or his legal representatives: *Provided, however*, That nothing contained in the foregoing provisions of this act shall, directly or indirectly, comprehend, include, extend to, grant, relinquish, or convey, the whole or any part of any lot, tract, piece, or parcel of land in said township which has heretofore been confirmed and surveyed by the United States to any person or persons, or to the legal representatives of any person or persons: *And provided, further*, That nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice, any adverse right, title, or interest of any person or persons in or to any portion or part of the aforesaid lots, tracts, pieces, or parcels of land which are granted, relinquished, or conveyed by this act.

James Conway,

J. Smith,

Martin Coontz,

Joseph Genereux,

Francis Delisle,

John Brooks.

Nothing heretofore conveyed granted hereby.

Rights of third persons not affected hereby.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXVII. — *An Act for the Relief of Lieutenant William P. Richner, Seventy-seventh Regiment, Ohio Volunteer Infantry.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to cause to be paid to William P. Richner, first lieutenant company H seventy-seventh regiment Ohio volunteer infantry, out of any money in the treasury not otherwise appropriated, the pay and emoluments of a first lieutenant, from the thirty-first day of December, eighteen hundred and sixty-one, to the thirty-first day of August, eighteen hundred and sixty-two.

Payment to William P. Richner.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXVIII. — *An Act for the Relief of the Estate of B. F. Kendall.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized to allow, in the settlement of the accounts of B. F. Kendall, deceased, late superintendent of Indian affairs for Washington Territory, the sum of two thousand one hundred and eight dollars and thirty cents, the same being the amount shown to have been disbursed by him in his lifetime, and for which no vouchers were to be found.

Allowance in settlement of the accounts of B. F. Kendall.

APPROVED, June 30, 1864.

July 1, 1864.

CHAP. CCVI. — *An Act to authorize the Secretary of the Interior to issue a Land Warrant to Richard Fitch, of Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a land warrant for one hundred and sixty acres of land to Richard Fitch, of Ohio, in con-

Land warrant to issue to Richard Fitch.

sideration of military services rendered in the army of the United States during the last war with Great Britain.

APPROVED, July 1, 1864.

CHAP. CCVII. — *An Act for the Relief of George F. Nesbitt.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George F. Nesbitt be, and he is hereby, authorized and empowered to put an end to his contract with the United States, entered into with the Postmaster-General on the twenty-seventh day of March, anno Domini eighteen hundred and sixty-two, for furnishing the Post-Office Department with stamped envelopes and newspaper wrappers, on giving to the Postmaster-General sixty days' notice in writing.

George F. Nesbitt may terminate his contract with the United States.

APPROVED, July 1, 1864.

CHAP. CCVIII. — *An Act for the Relief of Ida Hoffman.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Ida Hoffman, widow of the late Solomon Hoffman, of Carroll County, Indiana, who was shot and instantly killed on the fourteenth day of March, eighteen hundred and sixty-three, while engaged in the performance of the duties of deputy provost-marshal, on the roll of pensioners, at the rate of eight dollars per month, to commence from the fourteenth day of March, eighteen hundred and sixty-three, and to continue during her widowhood.

Pension to Ida Hoffman.

APPROVED, July 1, 1864.

CHAP. CCXXVII. — *An Act for the Relief of Richard G. Murphy.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid, out of any money in the treasury not otherwise appropriated, to Richard G. Murphy, of Minnesota, formerly Indian agent, for services and expenses in the removal of Sioux Indians, in the year one thousand eight hundred and fifty-three, the sum of six hundred dollars.

Payment to Richard G. Murphy.

APPROVED, July 2, 1864.

CHAP. CCXXVIII. — *An Act for the Relief of the Widow of C. A. Haun.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Mrs. C. A. Haun, of the county of Greene and State of Tennessee, on the pension roll at the rate of eight dollars per month, to commence on the eleventh day of December, eighteen hundred and sixty-one, and to continue during her widowhood.

Pension to Mrs. C. A. Haun.

APPROVED, July 2, 1864.

CHAP. CCXXIX. — *An Act for the Relief of John Williams.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the quartermaster-general be, and he is hereby, authorized to audit and pay the account of John Williams, for twenty-five cords of wood, at two dollars and seventy-five cents per cord, delivered by said Williams to the United States, at Oshkosh, Wisconsin, under a contract made with the quartermaster of the

Account of John Williams, for wood, to be paid.

twenty-first regiment Wisconsin volunteers, said account amounting to sixty-eight dollars and seventy-five cents, to be paid out of any money which has been, or may hereafter be, appropriated for defraying the expenses of the bureau of said quartermaster-general.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXXX.—*An Act for the Relief of Major N. S. Brenton, a Paymaster in the United States Army.*

$2,600,000 to be allowed Major N. S. Brenton, in the settlement of his accounts, if, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and required to allow Major N. S. Brenton, on the settlement of his accounts, a credit of two million six hundred thousand dollars for money in his hands as paymaster in the army, on board the steamer Ruth, and destroyed by fire on the night of the fourth of August, eighteen hundred and sixty-three, "if on examining the evidence by the paymaster-general, he, the said paymaster-general, shall deem him justly entitled to said credit; but such credit shall not be allowed without the said paymaster-general shall certify his approval thereof."

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXXXI.—*An Act for the Relief of William Sawyer and Others, of the State of Ohio.*

Value of certain lands in Auglaize County, Ohio, to be ascertained, &c.
Vol. vii. p. 189.

WHEREAS by the treaty of Saint Mary's with the Miami Indians, of October six, eighteen hundred and eighteen, the west half of section number twenty-six, the east half of section number twenty-eight, and section number twenty-seven, lying in the county of Auglaize and State of Ohio, were reserved and granted to Joseph Richardville and Joseph Richardville, junior; and whereas all of said lands have since been sold in several parcels to divers persons by the United States and by the State of Ohio, under and by virtue of a grant from the United States; and whereas, by virtue of a judicial sale upon a judgment rendered against the said Joseph Richardville, junior, survivor and sole heir-at-law of the said Joseph Richardville, senior, the title granted to the said Joseph Richardville, senior, and Joseph Richardville, junior, by said treaty, in all of said lands, has become vested in one Madison Sweetser, the purchaser at said sale; and whereas the said Madison Sweetser has established his title to said lands by sundry judgments in ejectment, recovered in the circuit court of the United States for the northern district of Ohio, against the tenants in possession, holding under titles derived, directly or indirectly, from the United States as aforesaid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and required to cause the unimproved value of the said tracts of land to be ascertained, by the valuation and assessment of a commissioner to be appointed by him for that purpose, and which commissioner shall, before he proceeds to the assessment and valuation of the same, take an oath faithfully and impartially to perform his duties as such commissioner. And when the said Secretary of the Interior shall thus ascertain the unimproved value of said lands he shall report the same to the House of Representatives at the earliest practicable moment.

APPROVED, July 2, 1864.

CHAP. CCXXXII. — *An Act for the Relief of Martha Jane Skaggs.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Martha Jane Skaggs, widow of Alfred Sykes Skaggs, late a private of company E, of the twenty-seventh regiment of Kentucky, and who died at Elizabethtown, Kentucky, on the twenty-seventh day of January, eighteen hundred and sixty-two, upon the pension roll from the said twenty-seventh day of January, anno Domini eighteen hundred and sixty-two, at the rate of eight dollars per month, to continue during her widowhood

Pension to Martha Jane Skaggs.

APPROVED, July 2, 1864.

CHAP. CCXXXIII. — *An Act for the Relief of Eliza Cass Woodbridge.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Eliza Cass Woodbridge, of the State of Michigan, the widow of Major Francis Woodbridge, deceased, on the roll of the pension-office, at the rate of twenty dollars per month, during her natural life and her widowhood, and that said pension shall date from the first day of January, eighteen hundred and sixty.

Pension to Eliza Cass Woodbridge.

APPROVED, July 2, 1864.

CHAP. CCXXXIV. — *An Act to amend an Act entitled "An Act to enable the Trustees of the Blue Mont College to preëmpt a certain Quarter Section of Land," approved March two, eighteen hundred and sixty-one.* July 2, 1864.

1861, ch. 102, Vol. xii. p. 891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to enable the trustees of the Blue Mont College to preëmpt a certain quarter section of land," approved March two, eighteen hundred and sixty-one, be, and is hereby, so amended as to authorize the legally constituted trustees of said college to locate on said tract of land any military bounty land warrant or land warrants issued under the military bounty land warrant act of eighteen hundred and fifty-five, said warrants being the property of said college, in the name and for the benefit and use of said college, said location to be made in accordance with the rules and regulations of the general land-office, and not inconsistent with the provisions of this act.

Trustees of Blue Mont College may locate on their land military bounty land warrants.

1855, ch. 207, Vol. x. p. 701.

APPROVED, July 2, 1864.

CHAP. CCXXXV. — *An Act for the Relief of Sarah Robinson, Widow of Hon. John L. Robinson, late United States Marshal for the District of Indiana.* July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to credit to the account of Hon. John L. Robinson, late United States marshal with said department, the sum of six hundred and seventy-five dollars for services rendered by said deceased in making preparations for the taking of the census of eighteen hundred and sixty; and that in the legal adjudication of the accounts of the said marshal, judgment thereon shall be rendered only for the balance found to be due.

Account of John L. Robinson to be credited $675.

APPROVED, July 2, 1864.

CHAP. CCXXXVI. — *An Act for the Relief of Dr. Charles M. Wetherill.* July 2, 1864.

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

Payment to Dr. C. M. Wetherill.

ury be, and he is hereby, authorized and directed to pay to Dr. C. M. Wetherill, the sum of seven hundred and fifty dollars, in full for his services as chemist of the agricultural department, out of any money in the treasury not otherwise appropriated.

Approved, July 2, 1864.

July 4, 1864.

Chap. CCLIV. — *An Act for the Relief of John C. McConnell.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John C. McConnell, the sum of two thousand dollars, out of any money in the treasury not otherwise appropriated, in full payment for money advanced and service rendered in raising troops in the State of Maryland.

Payment to John C. McConnell.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCLV. — *An Act for the Relief of Horace Gates.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Horace Gates, of Franklin, in the State of Vermont, upon the roll of invalid pensions, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and sixty-two, and continue during his natural life.

Pension to Horace Gates.

Approved, July 4, 1864.

July 4, 1864.

Chap. CCLVI. — *An Act for the Relief of Richard G. Murphy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Major Richard G. Murphy, out of any money in the treasury not otherwise appropriated, the sum of eighteen hundred dollars, in full, for that amount charged to and paid by him as agent for the Sioux Indians, upon false vouchers transmitted to the Indian bureau by Willis A. Gorman, late superintendent of Indian affairs for the northwestern superintendency.

Payment to Richard G. Murphy.

Sec. 2. *And be it further enacted*, That the solicitor of the treasury be, and he is hereby, required and directed forthwith to cause to be commenced against the said Willis A. Gorman, such suits as he may deem proper for the recovery of any money which the said Gorman may have wrongfully obtained from the treasury.

Willis A. Gorman to be sued.

Approved, July 4, 1864.

RESOLUTIONS.

[No. 13.] *Joint Resolution authorizing Payment of Prize Money due to Commander Abner Read, U. S. Navy, to his Widow, Constance Read.* Feb. 29, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized to pay to Mrs. Constance Read, widow of Commander Abner Read, late of the United States navy, the share of prize money due, or to become due, to the said Abner Read, for prizes taken by the United States vessel New London, while under his command, in the year eighteen hundred and sixty-one; taking, upon such payment, the receipts of the said Abner Read, placed by him in the hands of said Constance, to enable her to collect said prize money for her own use.

Prize money due Commander Abner Read may be paid his widow.

APPROVED, February 29, 1864.

[No. 19.] *Joint Resolution authorizing the Settlement of the Accounts of J. N. Carpenter, a Paymaster in the United States Navy.* March 16, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of J. N. Carpenter, paymaster in the U. S. navy, to allow and credit him with the sum of two hundred dollars, the same being the value of articles of clothing stolen from the U. S. sloop "Saratoga," after said vessel had been put out of commission at Philadelphia, in January, eighteen hundred and sixty-three.

Paymaster J. N. Carpenter to be credited with $200 stolen money.

APPROVED, March 16, 1864.

[No. 33.] *Joint Resolution relating to Green Clay Goodloe.* May 20, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in an act, entitled "An act making appropriations for the support of the military academy for the year ending June thirtieth, eighteen hundred and sixty-five," approved, April first, eighteen hundred and sixty-four, shall be so construed as to prevent the reappointment of Green Clay Goodloe, by the President of the United States, to a cadetship at said military academy.

Green Clay Goodloe may be reappointed to a cadetship in the naval academy. 1864, ch. 45.

APPROVED, May 20, 1864.

[No. 34.] *Joint Resolution referring the Claim of J. H. Clark & Co. to the Court of Claims.* May 26, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of J. H. Clark & Co., heretofore pending before congress, be, and the same hereby is, referred to the court of claims.

Claim of J. H. Clark & Co. referred to the court of claims.

APPROVED, May 26, 1864.

June 2, 1864. [No. 36.] *Joint Resolution to settle the Account of James Keenan, late Consul at Hong Kong, China.*

Account of James Keenan to be settled and certain credits allowed.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is directed to settle the account of James Keenan, late consul at Hong Kong, China, by allowing him two thousand eight hundred and one dollars and eighty-four cents, the amount of judgment in certain cases obtained against him and paid by him; and also to pay him the amount incurred by him in the exchange between the countries, whatever it may be, and charge him with any balance on the books of the treasury against him, and to pay him the balance, if any appears in his favor, out of any money in the treasury not otherwise appropriated.

APPROVED, June 2, 1864.

June 3, 1864. [No. 37.] *Joint Resolution relative to the Claim and Letters-Patent of William Wheeler Hubbell.*

Claim of William Wheeler Hubbell to be referred to court of claims.

WHEREAS William Wheeler Hubbell claims compensation for the use of his patent for the thunderbolt shell and fuse, which he claims were patented by him, and have been used by the government, under a verbal contract, as he alleges, between him and the late George Bomford, colonel of ordnance of the United States, and for the use of his patent percussion apparatus for exploding shells, and said letters-patent are dated January twenty-two, eighteen hundred and fifty-six, reissued January nineteen, eighteen hundred and fifty-eight, for fourteen years for the shell, January seven, eighteen hundred and sixty-two, for seventeen years for the fuse, and January twenty-four, eighteen hundred and sixty, for fourteen years for the percussion device; and whereas the testimony in support of said claim submitted with said patents, and especially with regard to the validity of the same and the verbal contract aforesaid, is very voluminous, and the shells and fuses in the service, which said Hubbell claims, are made and used in great numbers by the government, and this committee feel that they have neither the time nor means for procuring witnesses and giving the case the careful legal investigation which its importance demands: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of William Wheeler Hubbell be referred to the court of claims, which is hereby vested with jurisdiction, and whose duty it shall be to investigate and determine —

Points to be determined by court.

First. Is William Wheeler Hubbell the original inventor of the shell and fuse and percussion device aforesaid, or either of them, and has he a just and equitable right to compensation for the same; and —

Second. What amount of compensation is he entitled to receive for the use of his inventions and patents, as claimed, up to the time of adjudication, and for a full and entire transfer of his patents to the United States.

Appeal to supreme court.

Third. *And be it further resolved*, That either party may appeal to the supreme court of the United States within ninety days, and the court of claims shall certify any judgment that may be rendered in favor of said William Wheeler Hubbell, his heirs or legal representatives in the same manner, and the same when presented to the Secretary of the Treasury shall have the same effect as now provided by law, and be paid out of any general appropriation in relation to judgments of said court, or for private claims: *Provided*, That the sum hereby authorized to be paid shall not exceed one hundred thousand dollars, which sum the claimant agrees to accept in full of all claims whatever by virtue of said patents and contract against the government. And the payment of such judgment shall vest the full and absolute right to said patents in the United States.

APPROVED, June 3, 1864.

[No. 44.] *A Joint Resolution for the Relief of Rev. W. B. Matchett.* June 20, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paymaster-general of the United States be authorized and directed to adjust and pay to W. B. Matchett the amount due him as chapl[a]in of the tenth regiment of New York volunteers, from the time up to which he was last paid to the time said regiment was mustered out of service.

Amount due W. B. Matchett, to be paid him. See No. 52. *Infra.*

APPROVED, June 20, 1864.

[No. 48.] *Joint Resolution for the Relief of Major Morris S. Miller, of the Quartermaster's Department.* June 25, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized and directed to credit the account of Major Morris S. Miller, quartermaster, United States army, with the sum of about thirty-seven thousand dollars, or so much thereof as was paid by him during the years eighteen hundred and fifty-nine and eighteen hundred and sixty, to the respective firms of Russell, Majors & Waddell, Brown & Russell, and Majors & Russell, upon the orders of the Secretary of War and the quartermaster-general, or either of them.

Morris S. Miller to be credited with about $37,000.

APPROVED, June 25, 1864.

[No. 52.] *Joint Resolution to declare the Construction of a Joint Resolution for the Relief of W. B. Matchett, approved June twenty, eighteen hundred and sixty-four.* June 28, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the above-entitled joint resolution shall be construed to authorize and direct the paymaster-general of the United States to adjust the account of W. B. Matchett, chaplain of the tenth regiment of New York volunteers, and pay him the amount of the pay and allowances of a chaplain for and during the period that said regiment was in the service of the United States, and up to the time the same was mustered out of service, deducting the amount heretofore paid him as such chaplain.

Account of W. B. Matchett to be adjusted. See No. 44. *Supra.*

APPROVED, June 28, 1864.

[No. 58.] *Joint Resolution for the Relief of Mary Kellogg.* June 30, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Spencer Kellogg be entered upon the rolls of the Navy Department, with the rank of fourth master, to date from the first of June, eighteen hundred and sixty-two, and that Mary Kellogg, widow of Spencer Kellogg, deceased, be put upon the pension list, with the pension incident to the rank of her husband. And that the proper accounting officers of the treasury be, and they are hereby, authorized and directed to settle and adjust the accounts of said Spencer Kellogg, deceased, as a first lieutenant of infantry, from the fourteenth day of September, eighteen hundred and sixty-one, to the twenty-eighth day of October, eighteen hundred and sixty-one; and his accounts as fourth master in the navy, from the first day of August, eighteen hundred and sixty-two, up to the twenty-fifth day of September, eighteen hundred and sixty-three, the date of the execution of said Kellogg at Richmond, Virginia, by the rebels; and to pay any money due him to his widow, Mary Kellogg, out of any moneys in the treasury not otherwise appropriated.

Pension to Mary Kellogg.

Payment.

APPROVED, June 30, 1864.

July 1, 1864.

[No. 64.] *A Resolution providing for Adjustment of the Accounts of Henry W. Diman.*

Accounts of Henry W. Diman to be adjusted.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the treasury be, and they are hereby, directed to adjust the accounts of Henry W. Diman, late acting assistant paymaster in the navy, (whose books and papers were sunk and lost in the transport steamer "Whitman" in July, anno Domini, eighteen hundred and sixty-two, in the Mississippi River,) according to the principles of equity and justice.

APPROVED, July 1, 1864.

July 1, 1864.

[No. 65.] *A Resolution for the Relief of Carlisle Doble.*

Claim of Carlisle Doble for carrying the mail, to be adjusted.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he hereby is, authorized to examine and adjust the claim of Carlisle Doble for carrying the mails between Taylor's Falls, Minnesota, and Superior, Winconsin, from April to November, eighteen hundred and fifty-seven, and to pay to the said Carlisle Doble such sum of money as shall be found to be justly and equitably due to him for carrying the mails as aforesaid; and the sum thus found due shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 1, 1864.

July 2, 1864.

[No. 69.] *Joint Resolution authorizing the Settlement of the Accounts of the late Captain Daniel Hebard, of the United States Volunteers, and of other Officers.*

Accounts of Daniel Hebard, William M. Este, and Maxwell V. Z. Woodhull to be settled.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the settlement of the accounts of the late Captain Daniel Hebard, of the United States volunteers, an assistant adjutant-general on the staff of General Gorman, the Secretary of War is hereby authorized and directed to allow and pay for the whole time said officer was actually employed and on duty in the military service of the United States, whether before or after the date of his commission. And that the like principle of allowance and payment be observed in the settlement of the accounts of Major William M. Este, and Captain Maxwell V. Z. Woodhull, aides-de-camp on the staff of Major-General Robert C. Schenck from the twenty-second day of December, eighteen hundred and sixty-two, when they entered upon their duties on the staff of the commanding general of the middle department and eighth army corps, until the date when they respectively received and accepted their commissions as aides-de-camp, deducting only from the pay and allowances of Major Este, what he received in any part of that time as a lieutenant of the twenty-sixth regiment of Ohio volunteer infantry.

APPROVED, July 2, 1864.

July 2, 1864.

[No. 70.] *Joint Resolution to settle and pay the Accounts of John S. Phelps, of Missouri, as a Member of the Thirty-seventh Congress.*

Accounts of John S. Phelps to be settled.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the treasury are hereby authorized and directed to settle and pay the balance due to John S. Phelps, of Missouri, as a member of the thirty-seventh congress, for salary and mileage, deducting any amount which he may have received thereon, or which he may have received as military governor of Arkansas; and the sum sufficient to pay the same be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated.

APPROVED, July 2, 1864.

[No. 71.] *Joint Resolution for the Relief of Thomas J. Galbraith.* July 2, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Interior and Treasury Departments be, and they are hereby, authorized and directed to settle and adjust the money and property accounts and claims of Thomas J. Galbraith, as agent of the United States for the Sioux Indians of Minnesota, upon principles of equity and justice; and that he be allowed, upon such settlement, credit for all moneys and property actually expended by him, in good faith, in and about the affairs of his agency, and for the use of said Indians, upon his affidavit or affidavits, duly sworn to, of such expenditure; and that he be discharged from all liability for, or on account of, Indian trust property, which, by his affidavit or affidavits as aforesaid, shall clearly appear to have been destroyed or taken and carried away by hostile Indians, or by the troops or citizens of the United States, or of the State of Minnesota, against his will and without his fault or connivance: *Provided*, That, in addition to the affidavits aforesaid, the said officers may, in their discretion, require corroborative, counteravailing, or explanatory evidence of the matters and statements in said affidavits set forth and sworn to.

Accounts of Thomas J. Galbraith to be settled.

APPROVED, July 2, 1864.

[No. 72.] *Joint Resolution to refer the Claim of Naham Ward back to the Court of Claims.* July 2, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of Naham Ward be, and is hereby, referred back to the court of claims: *Provided*, That said court shall allow no larger amount than the sum heretofore allowed by said court.

Claim of Naham Ward referred back to the court of claims.

APPROVED, July 2, 1864.

[No. 73.] *Joint Resolution authorizing the Secretary of the Navy to settle and pay the Claim of Anthony Sweeting, late Pilot of the United States Steamer "Juniata."* July 2, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to settle and pay the claim of Anthony Sweeting, late pilot of the United States steamer "Juniata," for losses or fines sustained by him in consequence of his employment in the service of vessels of the United States: *Provided*, That the amount of said claim shall not exceed five hundred dollars.

Claim of Anthony Sweeting to be paid.

APPROVED, July 2, 1864.

[No. 74.] *Joint Resolution for the Relief of Alexander Cross.* July 2, 1864.

WHEREAS Alexander Cross heretofore filed his petition in the court of claims of the United States, praying relief on account of certain rents alleged to be due from the United States to him as assignee of one Daniel Saffarans, by virtue of certain alleged contract of lease between the said Daniel Saffarans (who is now deceased) and the United States; and whereas the said court of claims, on the twenty-fourth of January, eighteen hundred and fifty-nine, rendered a decision adverse to the prayer of said petition, on the sole ground of an alleged technical defect in the assignment of said lease from the said Daniel Saffarans to the said petitioner: Now, therefore,

Petition of Alexander Cross to be referred back to the court of claims.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said cause be remanded to said court of claims for a further hearing, upon the testimony hereto-

fore filed therein, and such further testimony as either party may take and file pursuant to the rules of said court; and if, upon the further hearing of said cause, it shall appear that the said petitioner is the equitable owner of said lease, and in justice and equity entitled to the rents (if any) due thereon from the United States, the said court shall be authorized to render judgment therefor in his favor, notwithstanding any technical defect in the assignment of said lease: *Provided*, That no money shall be paid out of the treasury upon any judgment which shall be rendered in favor of the petitioner in said cause, until he shall have filed with the Secretary of the Treasury a bond, with ample security, in such sum as will fully indemnify the United States against any demand which may be set up and established by, or on behalf of, the heirs or representatives of the said Daniel Saffarans, deceased, under, or by virtue of, said contract or lease.

No money to be paid until bond is given.

APPROVED, July 2, 1864.

PRIVATE ACTS OF THE THIRTY-EIGHTH CONGRESS

OF THE

UNITED STATES.

Passed at the second session, which was begun and holden at the City of Washington, in the District of Columbia, on Monday, the fifth day of December, A. D. 1864, *and ended Saturday, the fourth day of March, A. D.* 1865.

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice-President, and President of the Senate. DANIEL CLARK was elected President of the Senate, *pro tempore*, on the ninth day of February, and so acted until and including the nineteenth day of that month. SCHUYLER COLFAX, Speaker of the House of Representatives.

CHAP. IV. — *An Act for the Relief of William H. Jameson, a Paymaster in the United States Army.* Dec. 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, required to allow Major William H. Jameson, on settlement of his accounts, a credit of nine hundred and fifty-nine dollars and fourteen cents, for money in his hands as paymaster in the army, on board the steamer Ruth, and destroyed by fire on the night of the fourth of August, eighteen hundred and sixty-three, if, on examining the evidence by the paymaster-general, he, the said paymaster-general, shall deem him justly entitled to said credit; but such credit shall not be allowed without the said paymaster-general shall certify his approval thereof.

Credit to be allowed William H. Jameson in settlement of accounts, if, &c.

APPROVED, December 20, 1864.

CHAP. V. — *An Act for the Relief of George W. Murray.* Dec. 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioner of pensions be, and he is hereby, directed to pay to George W. Murray the pension to which he was entitled by the act of congress approved on the third of March, one thousand eight hundred and thirty-seven, entitled "An act for the more equitable administration of the navy pension fund."

Pension to George W. Murray.

1837, ch. 38. Vol. v. p. 180.

APPROVED, December 20, 1864.

CHAP. VII. — *An Act for the Relief of Deborah Jones.* Dec. 21, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Deborah Jones, the widow of the late Captain Ezekiel Jones, and of the county of Oneida, and the State of New York, upon the pension roll, at the rate of twenty dollars per month, according to the provisions of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, and that said pension shall commence from the sixth day of November, eighteen hundred and sixty-two.

Pension to Deborah Jones.

1862, ch. 166. Vol. xii. p. 566.

APPROVED December 21, 1864.

Dec. 22, 1864.

CHAP. X. — *An Act for the Relief of Charles M. Pott.*

Pension to Charles M. Pott.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, required to place the name of Charles M. Pott, late of company K, one hundred and seventy-ninth P. M., on the pension roll, at the rate of eight dollars per month, from the date of his discharge, March seventh, eighteen hundred and sixty-three, for total disability sustained by the loss of an arm by accident while in the hospital detained for his pay after his discharge had been ordered.

APPROVED, December 22, 1864.

Jan. 18, 1865.

CHAP. XIV. — *An Act for the Relief of Charles Anderson, Assignee of John James, of Texas.*

Payment to Charles Anderson, assignee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and directed to pay to Charles Anderson, assignee of John James, of Texas, the sum of one thousand and forty-one dollars and sixty-six cents, being the amount certified by the quartermaster-general to be due to the said John James for back rent of Camp Hudson, in Texas, prior to the first of July, eighteen hundred and fifty-nine, the same having been regularly assigned to the said Charles Anderson.

APPROVED, January 18, 1865.

Jan. 18, 1865.

CHAP. XV. — *An Act for the Relief of George Mowry.*

Payment to George Mowry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed, out of any money in the treasury not otherwise appropriated, to pay to George Mowry the sum of seventy-two dollars and twelve cents, in full payment for conveying two prisoners from Somerset jail, in Pennsylvania, to Pittsburg, in the year eighteen hundred and forty-one, by order of the United States deputy marshal for the western district of Pennsylvania.

APPROVED, January 18, 1865.

Jan. 20, 1865.

CHAP. XVII. — *An Act for the Relief of Jacob Weber.*

Payment to Jacob Weber.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to private Jacob Weber, of the fourth regiment of Ohio volunteer infantry, out of any money in the treasury not otherwise appropriated, the sum of nine hundred and thirteen dollars and thirty-three cents, to reimburse him for money advanced by him to pay Scott Allen, A. Hyatt, Henry Olden, A. W. Cook, Lewis Shindollar, and James Garland, who were employed as teamsters for the said fourth regiment of Ohio volunteer infantry between the first day of August, anno Domini eighteen hundred and sixty-one, and the first day of July, anno Domini eighteen hundred and sixty-two, and received the price of said employment from the said Jacob Weber, who advanced the same, on the quartermaster's certificates, to said employees, with the assurance of the said quartermaster and the commander of said regiment that the amount so advanced would very soon thereafter be repaid and refunded to him by the government, through said quartermaster.

APPROVED, January 20, 1865.

Jan. 24, 1865.

CHAP. XXI. — *An Act for the Relief of Emily A. Lyon.*

Pension to Emily A. Lyon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Emily A. Lyon, widow of Alfred M. Lyon, a late sutler in the

twenty-third regiment of Iowa volunteers, but who volunteered as a private in company A of the said regiment, and while serving in that capacity was mortally wounded at the battle at Black River, Mississippi, on the seventeenth day of May, eighteen hundred and sixty-three, and died on the field; the said pension to be at the rate of eight dollars per month, commencing on the seventeenth day of May, eighteen hundred and sixty-three, and continuing during the widowhood of the pensioner.

APPROVED, January 24, 1865.

CHAP. XXVII. — *An Act for the Relief of Isaac R. Diller.* Jan. 30, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the treasury not otherwise appropriated, to pay to Isaac R. Diller, late consul at Bremen, the sum of three thousand dollars, in full for the expenses incurred by him for extra clerk-hire in his office, and for moneys advanced to destitute American citizens during the interval between the first day of August, eighteen hundred and fifty-seven, and the twentieth day of September, eighteen hundred and sixty-one.

Payment of $3000 to Isaac R. Diller.

APPROVED, January 30, 1865.

CHAP. XXVIII. — *An Act for the Relief of Mary Scales Accardi.* Jan. 30, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place the name of Mary Scales Accardi, the widow of Salvador Accardi, upon the roll of widows of invalid pensioners, and that the said Mary Scales Accardi be paid a pension, at the rate of six dollars per month, commencing July first, eighteen hundred and sixty-two.

Pension to Mary Scales Accardi.

APPROVED, January 30, 1865.

CHAP. XXXI. — *An Act for the Relief of Louis Roberts.* Feb. 9, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Louis Roberts, out of any money in the treasury not otherwise appropriated, the sum of two thousand seven hundred and forty dollars and ninety-nine cents, that being the amount of money advanced by said Roberts, out of his own means, to replace certain Indian indemnity goods, accidentally destroyed by fire in November, eighteen hundred and fifty-five, while being transported by him from Saint Paul, Minnesota, to Redwood Agency, for R. G. Murphy, United States Indian agent for the Sioux Indians in Minnesota.

Payment of $2740.99 to Louis Roberts.

APPROVED, February 9, 1865.

CHAP. XXXIII. — *An Act for the Relief of Solomon Wadsworth.* Feb. 13, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act for the relief of Solomon Wadsworth," approved the sixteenth day of June, one thousand eight hundred and sixty, be, and is hereby, amended by striking out the word "ninety-four," and inserting in lieu thereof the word ninety-five.

Former act for relief of Solomon Wadsworth amended. 1860, ch. 146. Vol. xii. p. 860.

APPROVED, February 13, 1865.

CHAP. XXXVI. — *An Act for the Relief of Alexander J. Atocha.* Feb. 14, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the court of claims be, and the said court is hereby, directed to examine into the claims of Alexander J. Atocha against the government of Mexico for losses sus-

Claim of Alexander J. Atocha to be examined by the court of claims.

tained by him by reason of his expulsion from that republic in eighteen hundred and forty-five, and if they shall be of opinion that the said claim
Vol. ix. p. 922. was a just one against Mexico when the treaty of eighteen hundred and forty-eight was ratified, and was embraced by said treaty, they shall then fix and determine the amount of the same; and that the loss or damage so sustained being adjudicated and determined by said court, the same shall be paid to the said Alexander J. Atocha, out of any money in the treasury not otherwise appropriated: *Provided, however*, That the amount so to be paid shall in no event exceed the balance of the three and a
Vol. ix. p. 933. quarter millions of dollars provided by the fifteenth article of the treaty of Guadalupe Hidalgo for the payment of claims of citizens of the United States against the government of Mexico, which still remains unapplied to that object.

Approved, February 14, 1865.

Feb. 17, 1865.

Chap. XL. — *An Act for the Relief of the Heirs of Almond D. Fisk, deceased.*

Extension of the patent to Almond D. Fisk may be applied for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Phebe Ann Fisk, as executrix of Almond D. Fisk, deceased, who obtained a patent for a "new and useful improvement in coffins," dated the fourteenth day of November, eighteen hundred and forty-eight, for fourteen years, which has now expired, be authorized to apply to the commissioner of patents for an extension of said patent for seven years, under the rules and regulations now in force for the extension of patents, as if she had made application previous to its expiration, as required by law; and the Commissioner is directed to investigate and decide the application for extension on the same evidence and in the same manner as other applications for extension are decided, notwithstanding the surrender and reissue of March sixth, eighteen hundred and sixty: *Provided*, That the application for extension be made within thirty days from the approval of this act, and the decision of the commissioner be rendered within ninety days from the filing of said application in the patent office: *And provided, also*, That nothing herein shall be so construed as to hold responsible in damages any persons who may have manufactured coffins containing the aforesaid improvements between the expiration of the patent and the approval of this act.

Approved, February 17, 1865.

Feb. 20, 1865.

Chap. XLIV. — *An Act for the Relief of Henry A. Brigham.*

Payment to Henry A. Brigham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the treasury not otherwise appropriated, to pay to Henry A. Brigham the sum of two thousand dollars, being the amount of his check drawn in favor of the assistant treasurer of the United States at New York, on the seventh of November, anno Domini eighteen hundred and sixty-two.

Approved, February 20, 1865.

Feb. 23, 1865.

Chap. LI. — *An Act for the Relief of George A. Schreiner.*

Pension to George A. Schreiner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George A. Schreiner, of the county of Wyandott, State of Kansas, upon the list of pensioners, at the rate of eight dollars per month, to commence from the first day of January, eighteen hundred and sixty-four, and to continue during his natural life.

Approved, February 23, 1865.

CHAP. LX. — *An Act for the Relief of Harriet and Emily W. Morris, unmarried Sisters of the late Commodore Henry W. Morris.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harriet and Emily W. Morris, the unmarried sisters of the late Commodore Henry W. Morris, be entitled to and receive the same pension as the brother would have been entitled to had he been totally disabled, to commence from the death of the brother; and the Secretary of the Interior be, and he is hereby, directed to place the names of the said Harriet and Emily W. Morris upon the pension roll of navy pensions: *Provided*, That in case of the death or marriage of either of the said sisters her pension shall cease. Pension to Harriet and Emily W. Morris.

APPROVED, February 25, 1865.

CHAP. LXI. — *An Act to change the Name of Dorsey Edwin William Towson, of Georgetown, in the District of Columbia, to that of Dorsey Edwin William Carter.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dorsey Edwin William Towson, of Georgetown, in the District of Columbia, be, and he is hereby, authorized, from and after the passage of this act, to take and use the surname of Carter, and that his name hereafter be Dorsey Edwin William Carter; and all acts done and entered into by that name shall have the same effect and operation in law as if his name had originally been Dorsey Edwin William Carter, of Georgetown, in the District of Columbia. Name of Dorsey Edwin William Towson changed.

APPROVED, February 25, 1865.

CHAP. LXII. — *An Act for the Relief of Mary Shircliff.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Shircliff, widow of John Shircliff, on the pension roll, and pay her a pension, at the rate of eight dollars per month, during her widowhood, from the passage of this act. Pension to Mary Shircliff.

APPROVED, February 25, 1865.

CHAP. LXIII. — *An Act for the Relief of Rebecca S. Harrison.* Feb. 25, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the naval pension roll the name of Rebecca S. Harrison, widow of the late Lieutenant Horace N. Harrison, at the rate of seventeen dollars per month, to commence from the first day of April, eighteen hundred and sixty-four, and to continue during her widowhood; and in case of her death or marriage the same to be continued to her children, until the youngest shall have reached the age of sixteen years. Pension to Rebecca S. Harrison. Provision in case of death or marriage.

APPROVED, February 25, 1865.

CHAP. LXV. — *An Act to pay to each of the surviving Soldiers of the Revolution, five in Number, whose Names are on the Pension Roll, three hundred Dollars annually, as a Gratuity, in Addition to the Pension now paid them.* Feb. 27, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, there shall be paid, out of any money in the treasury not otherwise appropriated, the sum of three hundred dollars, to be paid annually, to each of the persons hereinafter named, five in number, during their natural lives, as a gratuity on the part of the government; the five persons hereinafter named being the sole survivors of the army of the Revolution whose names are enrolled on the books of the pension-office — said gratuity to be paid to them by the commissioner of pensions, in addi- Gratuity to each of the five surviving soldiers of the Revolution.

tion to the pensions now paid them, under former acts of congress; said payment to each of the persons hereinafter named to cease on the death of such person: —

Lemuel Cook. To Lemuel Cook, enlisted at Hatfield, Massachusetts, is now about ninety-eight years of age, and resides in Clarendon, Orleans County, New York, three hundred dollars.

Samuel Downing. To Samuel Downing, enlisted in Carroll County, New Hampshire, is now about ninety-eight years of age, and lives in Edinburg, Saratoga County, New York, three hundred dollars.

William Hutchings. To William Hutchings, enlisted at Newcastle, Maine, (then Massachusetts,) is now one hundred years old, and resides in Penobscot, Hancock County, Maine, three hundred dollars.

Alexander Maroney. To Alexander Maroney, enlisted at Lake George, New York, as a drummer-boy, is now about ninety-four years old, his residence is Yates, Orleans County, New York, three hundred dollars.

James Barham. To James Barham, substitute for a drafted man in South Hampton County, Virginia, lives in the State of Missouri, and is in his one hundred and first year, three hundred dollars.

Copy of this act to be sent each soldier. Sec. 2. *And be it further enacted*, That it shall be the duty of the commissioner of pensions, as soon as this act has been passed by both houses of congress, and approved of by the President, to have made out five copies of the same, each signed by the speaker of the House, the president of the Senate, and the President of the United States, and to send a copy of the same to each of the Revolutionary soldiers in this act above mentioned.

When act takes effect. Sec. 3. *And be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, February 27, 1865.

Feb. 27, 1865.

Chap. LXVI. — *An Act for the Relief of Chapin Hall.*

Damages to Chapin Hall. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay Chapin Hall, out of any money in the treasury not otherwise appropriated, the sum of twenty-five hundred dollars, in full for damages sustained by him in consequence of the taking and using his lumber, at Louisville, Kentucky, by General McCook's division of the United States army, in the month of September, eighteen hundred and sixty-two.

Approved, February 27, 1865.

March 3, 1865.

Chap. CXXVIII. — *An Act for the Relief of Charles A. Pitcher.*

Damages to Charles A. Pitcher. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the treasury not otherwise appropriated, to Charles A. Pitcher the sum of five thousand dollars for damages sustained by reason of the infringement of a patent on a machine for making brooms, and the use of the same in the penitentiary of the United States, from November first, eighteen hundred and fifty-nine, to the twentieth of September, eighteen hundred and sixty-two.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXIX. — *An Act granting a Pension to Sophia Brooke Taylor, Widow of the late Major Francis Taylor.*

Pension to Sophia Brooke Taylor. *Be it enacted by the Senate and House of Representatives of he United States of America in Congress assembled*, That the Secretary of the Interior be, and hereby is, authorized and directed to place the name of Sophia Brooke Taylor, widow of the late Francis Taylor, major of the first

regular United States artillery, who died of yellow fever while in command of the post at Fort Brown, Texas, on the twelfth day of October, eighteen hundred and fifty-eight, upon the pension roll, at the same rate of pay which he would have been entitled to if he had been totally disabled at the time of his death, for and during the period of her natural life or widowhood.

APPROVED, March 3, 1865.

CHAP. CXXX. — *An Act for the Relief of W. H. and C. S. Duncan.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred dollars and eighty cents be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated to be paid to W. H. and C. S. Duncan, of the city of Lawrence, Kansas, for compensation in full for goods and provisions furnished Captain Walker's company, Kansas militia, by order of Governor Geary, in eighteen hundred and fifty-six. Payment to W. H. and C. S. Duncan.

APPROVED, March 3, 1865.

CHAP. CXXXI. — *An Act for the Relief of Samuel L. Gerould.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the treasury not otherwise appropriated, to Samuel L. Gerould, late sergeant company G, fourteenth New Hampshire volunteers, the sum of one hundred and seventy-nine dollars and twenty cents, for his services as clerk to a general court-martial, from September twenty-first, eighteen hundred and sixty-three, to December twenty-fourth, eighteen hundred and sixty-four. Payment to Samuel L. Gerould.

APPROVED, March 3, 1865.

CHAP. CXXXII. — *An Act for the Relief of John Hastings, Collector of the Port of Pittsburg.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, in adjusting the accounts of John Hastings, as collector of the customs at the port of Pittsburg, to give him credit for the sum of nine thousand nine hundred and fifty-six dollars and sixty-two cents, the amount of the public money of which he was robbed on the tenth day of March, anno Domini eighteen hundred and fifty-four, while acting in the aforesaid capacity. Credit to be given to John Hastings.

APPROVED, March 3, 1865.

CHAP. CXXXIII. — *An Act for the Relief of Mary A. Baker, Widow of Brigadier-General Edward D. Baker.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mary A. Baker, widow of Brigadier-General Edward D. Baker, on the pension roll, at the rate of fifty dollars a month, from the twenty-first day of October, eighteen hundred and sixty-one, to continue during her widowhood. Pension to Mary A. Baker.

APPROVED, March 3, 1865.

CHAP. CXXXIV. — *An Act granting a Pension to Ellen M. Whipple, Widow of the late Major-General Amiel W. Whipple, of the United States Army.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Ellen M. Whipple, widow of the Pension to Ellen M. Whipple.

late Major-General Amiel W. Whipple, of the United States army, on the pension roll at the rate of fifty dollars a month, from the seventh day of June, eighteen hundred and sixty-two, for and during her widowhood.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXXV. — *An Act granting a Pension to the Widow of the late Major-General Hiram G. Berry.*

Pension to Eliza Berry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Eliza Berry, widow of Major-General Hiram G. Berry, on the pension roll, at the rate of fifty dollars a month, from the third day of May, anno Domini eighteen hundred and sixty-three, to continue during her widowhood.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXXVI. — *An Act granting a Pension to Ezekiel Darling.*

Pension to Ezekiel Darling.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Ezekiel Darling on the pension rolls, at the rate of four dollars per month, during his natural life, said pension to commence from the passage of the bill.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXXVII. — *An Act for the Relief of Jean M. Lander, Widow of F. W. Lander, deceased.*

Payment to Jean M. Lander.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to audit and settle the account of Brigadier-General F. W. Lander, deceased, for services rendered and expenses incurred by him in making a reconnoissance for a railroad from Puget's Sound to the Mississippi River, in eighteen hundred and fifty-four, and the amount the said Secretary shall find to be justly due shall be paid to the widow of the deceased, to wit, Jean M. Lander, out of any money in the treasury not otherwise appropriated: *Provided*, The same shall not exceed the sum of four thousand seven hundred and fifty dollars, and it shall be in full consideration for said services and expenses.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXXVIII. — *An Act granting a Pension to Thomas Booth.*

Pension to Thomas Booth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Thomas Booth on the invalid pension roll of the United States, at the rate of four dollars per month, from the first day of May eighteen hundred and sixty, and to continue during his natural life.

Approved, March 3, 1865.

March 3, 1865.

Chap. CXXXIX. — *An Act granting a Pension to Elizabeth B. Leppien.*

Pension to Elizabeth B. Leppien.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Elizabeth B. Leppien on the list of pensioners, at the rate of thirty dollars per month, to commence on the twenty-fourth day of May, eighteen hundred and sixty-three, and continue during her widowhood.

Approved, March 3, 1865.

CHAP. CXL. — *An Act granting a Pension to Rachel Mills, Widow of Peter Mills, deceased, late a Major in the United States Army.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place upon the pension roll of the United States the name of Rachel Mills, of Binghamton, New York, widow of Peter Mills, late a major in the United States army, at the rate of twenty dollars per month, from the date of April first, in the year eighteen hundred and sixty-four. Pension to Rachel Mills.

APPROVED, March 3, 1865.

CHAP. CXLI. — *An Act for the Relief of Benjamin Vreeland, Surgeon in the Navy of the United States.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Benjamin Vreeland, surgeon in the navy of the United States, out of any money in the treasury not otherwise appropriated, the sum of four hundred and forty-nine dollars and seven cents, being the difference of compensation to an assistant surgeon and a past assistant surgeon, from the ninth day of May, eighteen hundred and fifty-five, to the thirtieth day of March, eighteen hundred and fifty-seven. Payment to Benjamin Vreeland.

APPROVED, March 3, 1865.

RESOLUTIONS.

[No. 2.] *Joint Resolution authorizing the Secretary of the Treasury to dispose of certain Moneys therein mentioned.* Dec. 15, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay over to Henry C. De Ahna the sum of two thousand dollars, deposited by said De Ahna with Jay Cook and Company to the credit of C. V. Hogan, an employee in the secret service of the Treasury Department, or any part thereof, or to cause the whole or part of the same to be confiscated and paid over to the treasury of the United States, as, in the judgment of the Secretary, may appear just.

Certain money may be paid over to Henry C. De Ahna.

APPROVED, December 15, 1864.

[No. 21.] *Joint Resolution in the Matter of Sergeant Daniel Collett, Jr., deceased.* Feb. 25, 1865.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be directed to cause the name of Daniel Collett, Jr., who died of wounds received in battle, to be entered and borne upon the rolls of the army as a first lieutenant of the fortieth regiment of Ohio volunteer infantry, from the ninth day of May, eighteen hundred and sixty-four, the date to which he was commissioned to that office by the governor of the State of Ohio, the same as if he had been on that day mustered in as such first lieutenant.

Daniel Collett, Jr., deceased, to be on rolls of army as first lieutenant, &c.

APPROVED, February 25, 1865.

[No. 22.] *A Resolution for the Relief of James B. Royce.* Feb. 25, 1865.

WHEREAS, James B. Royce, of the town of Shrewsbury and State of Vermont, entered the service of the United States as a private in company I, seventh regiment of Vermont volunteers, on the tenth day of February, eighteen hundred and sixty-two, and continued to serve in said company and regiment until the tenth day of February, eighteen hundred and sixty-three, on which day, at Fort Barrancas, Florida, by the premature discharge of a cannon at which he was engaged in target practice, he received injuries which resulted in the loss of his left arm and left eye, by reason of which disabilities he was discharged from the service on the fourth of December, eighteen hundred and sixty-three, having served twenty-one months and twenty-two days; and whereas, by reason of not having been discharged for wounds actually received in battle, he is not entitled to the benefit of the act entitled "An act to amend an act entitled 'An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property,' approved July twenty-two, eighteen hundred and sixty-one," approved March third, eighteen hundred and sixty-three; and whereas his case comes within the spirit and intent of said act: Therefore,

Preamble.

1861, ch. 9. Vol. xii. p. 268. 1863, ch. 84. Vol. xii. p. 758.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said James B. Royce, of Shrewsbury, Vermont, be, and he is hereby, declared entitled to the

Jas. B. Royce entitled to bounty.

benefit of said act, approved March third, eighteen hundred and sixty-three, the same as if he had been discharged from the service by reason of wounds received in battle, or had served out the full period of his enlistment.

APPROVED, February 25, 1865.

March 2, 1865.

[No. 26.] *Joint Resolution authorizing the Secretary of the Navy to advance to Paul S. Forbes two hundred and fifty thousand Dollars additional out of the Sum to be paid him under his Contract for building a Steam Screw Sloop-of-War.*

Advance of $250,000 to Paul S. Forbes.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to pay to Paul S. Forbes, of the city of New York, the sum of two hundred and fifty thousand dollars, in addition to the sums heretofore paid, to apply on his contract of the date of May twenty-second, eighteen hundred and sixty-three, for building a steam screw sloop-of-war, the same being an advance payment on the contract, to aid in the completion of said sloop-of-war: *Provided*, That no part of said sum shall be paid without the assent in writing of the sureties of said Paul S. Forbes: *And provided further*, That nothing in this resolution contained shall be so construed as in any manner to affect or vary said contract, except as to the time of making said payment.

APPROVED, March 2, 1865.

March 3, 1865.

[No. 38.] *A Resolution for the Relief of Mrs. Lucy A. Rice, late of Richmond, Virginia.*

Preamble.

WHEREAS Mrs. Lucy A. Rice, late of Richmond, Virginia, by her courage and patriotic devotion in saving Colonel Streight and his party, and enabling them to make their escape from the hands of the rebels, has deserved well of the country,

Gift of $1500 to Lucy A. Rice.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one thousand five hundred dollars be, and the same is hereby, appropriated to said Lucy A. Rice, her heirs or administrators, out of any moneys in the treasury not otherwise appropriated.

APPROVED, March 3, 1865.

March 3, 1865.

[No. 39.] *A Resolution authorizing the Acceptance of a Sword of Honor from the Government of Great Britain, by Captain Henry S. Stellwagen, of the United States Navy.*

Captain Stellwagen of the navy may receive a sword of honor from government of Great Britain.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Henry S. Stellwagen, of the navy of the United States, be, and he hereby is, authorized to accept the sword of honor recently presented to him by the government of Great Britain as a mark of their gratitude for the assistance rendered by him, while in command of the frigate Constellation, to the British brigantine Mersey when in a disabled condition.

APPROVED, March 3, 1865.

March 3, 1865.

[No. 40.] *A Resolution for the Relief of Garrett R. Barry, a Paymaster in the United States Navy.*

Garrett R. Barry released as surety of John De Bree.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Paymaster Garrett R. Barry, United States navy, be, and he is hereby, released from his liability as surety of John De Bree, formerly paymaster in the navy of the United States.

APPROVED, March 3, 1865.

TREATIES.

Additional Articles to the General Convention of Friendship, Commerce, and Navigation between the United States and Denmark, of April 26, 1826. Concluded at Washington, July 11, 1861; Ratifications exchanged, September 18, 1861. Proclaimed by the President of the United States, September 20, 1861.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

July 11, 1861.

Preamble.

Vol. viii. p. 340.

WHEREAS additional articles to the General Convention of Friendship, Commerce, and Navigation between the United States and Denmark, of the 26th of April, 1826, were concluded and signed by the respective Plenipotentiaries of the parties, at Washington, on the eleventh day of July last, which additional articles, being in the English and French languages, are word for word as follows: —

Additional articles.

ADDITIONAL ARTICLES.

To the General Convention of Friendship, Commerce and Navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the United States of America and His Majesty the King of Denmark.

The United States of America and His Majesty the King of Denmark, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries, being duly empowered for that purpose, have agreed upon the following additional articles to the General Convention of Friendship, Commerce and Navigation, concluded at Washington on the twenty-sixth day of April, 1826, between the contracting parties.

ARTICLES ADDITIONNELS.

A la Convention Générale d'Amitié, de Commerce et de Navigation conclue à Washington le vingt-six Avril mil huit cent vingt-six entre Sa Majesté le Roi de Danemark et les Etats-Unis d'Amérique.

Sa Majesté le Roi de Danemark et les Etats-Unis d'Amérique désireux de favoriser leur commerce réciproque, en accordant dans leurs ports toute aide et assistance nécessaire à leurs navires respectifs, les soussignés Plénipotentiaires ayant été dûment autorisés à cet effet, sont tombés d'accord sur les articles suivants, additionnels à la Convention Générale d'Amitié, de Commerce et de Navigation conclue à Washington le vingt-six Avril mil huit cent vingt-six, entre les deux parties contractantes.

ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls and Commercial Agents, shall have the right

ARTICLE I.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Commerciaux respectifs auront le droit

Consuls-General, consuls, &c., may sit as judges and arbitrators.

as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the adjustment of wages and the execution of contracts, without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquillity of the country.

Not to prevent resort to the judicial authority.

It is however understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

comme tels, de siéger comme juges et arbitres dans les différents qui se seront éléves en mer on s'élèveront dans les ports entre le capitaine, les officiers et l'équipage des bâtimens de la nation dont ils soignent les intérêts, particulièrement pour le réglement des salaires et l'exécution des engagements réciproquement consentis, sans que les autorités locales puissent y intervenir, à moins que la conduite de l'équipage, des officiers ou des capitaines ne troublât l'ordre ou la tranquillité du pays.

Il est bien entendu cependant, que cette espèce de jûgement ou d'arbitrage ne saurait priver les parties contendantes du droit qu'elles ont, à leur retour, de recourir aux autorités judiciaires de leur pays.

ARTICLE II.

ARTICLE II.

Consuls-General, consuls, &c., may require the assistance of the local authorities to arrest deserters, &c.

The Consuls-General, Consuls, Vice-Consuls and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

Mode of procedure.

For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded.

Deserters when arrested how to be disposed of.

Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Commerciaux seront autorisés à requérir l'assistance des autorités locales pour la recherche, l'arrestation et l'emprisonnement des déserteurs des bâtimens de guerre et de commerce de leur pays. Ils s'addresseront à cet effet aux tribunaux, juges et officiers compétents et réclameront par écrit les déserteurs susmentionnés en prouvant par l'exhibition des régistres des bâtimens ou rôles des équipages ou par d'autres documens officiels, ou si le bâtiment était parti par copie des dites pièces dûment certifieé par eux, que ces individus font partie du dit équipage. Cette réclamation, ainsi justifiée, la remise ne pourra leur être refusée à moins qu'il ne soit dûment prouvé que les dits individus sont des sujets ou des citoyens du pays où la remise est réclamée. Ces déserteurs, lorsqu'ils auront été arrêtés, seront mis à la disposition des dits Consuls-Généraux, Consuls, Vice-Consuls ou Agents Commerciaux, et pourront être enfermés dans les prisons publiques à la réquisition et aux fraix de ceux qui les réclament pour être retenus jusqu'au moment où ils pourront être rendus aux bâtimens auxquels ils appartenaient ou pour être renvoyés dans leur pays sur

by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the convention signed at Washington on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

In faith whereof, we, the undersigned, in virtue of our respective full powers, have signed the present additional articles, and have thereto affixed our seals.

Done in triplicate at the city of Washington, on the eleventh day of July, in the year of our Lord one thousand eight hundred and sixty-one.

WILLIAM H. SEWARD. [L. S.]
W. R. RAASLOFF. [L. S.]

des bâtimens nationaux ou autres.

Mais s'ils ne sont pas renvoyés dans l'espace de trois mois à compter du jour de leur arrestation, ils seront mis en liberté et ne pourront plus être arrêtés pour la même cause.

Toutefois si le déserteur se trouvait avoir commis quelque crime ou délit il pourra être sursis à sa remise jusqú à ce que le tribunal saisi de l'affaire ait rendu sa sentence et que celle-ci ait reçu son exécution. Offences against laws of the country to be punished.

Les présents articles additionnels auront la même force et valeur que s'ils étaient insérés, mot pour mot, dans la convention signée à Washington le vingt-six Avril mil huit cent vingt-six, et étant approuvés et ratifiés par Sa Majesté le Roi de Danemark et par le Président des Etats-Unis par et avec l'avis et le consentement du Sénat des dits Etats, les ratifications en seront échangées à Washington dans l'espace de six mois à dater de ce jour ou plutôt si faire se peut. Effect of present articles.

En foi de quoi nous, les soussignés, en vertu de nos pleins pouvoirs respectifs, avons signé les présents articles additionnels et y avons apposé nos sceaux.

Fait par triplicata en la cité de Washington le onze juillet l'an de grâce mil-huit-cent soixante un.

(Signed) Signature.
W. R. RAASLOFF. [L. S.]
WILLIAM H. SEWARD. [L. S.]

And whereas the said additional articles have been duly ratified on both parts and the respective ratifications of the same were exchanged in the city of Washington, on the eighteenth instant, by William H. Seward, Secretary of State of the United States, and W. R. Raaslöff, Chargé d'Affaires of His Majesty the King of Denmark in the United States, on the part of their respective governments : Ratification.

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, have caused the said additional articles to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof. Proclamation.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done in the city of Washington this twentieth day of September, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-sixth.

[L. S.]

ABRAHAM LINCOLN.

By the President,
WILLIAM H. SEWARD,
Secretary of State.

Treaty between the United States of America and the Ottoman Empire. Concluded at Constantinople, February 25, 1862; ratifications exchanged, June 5, 1862; proclaimed by the President of the United States, July 2, 1862.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

February 25, 1862.

Preamble.

WHEREAS a treaty of commerce and navigation between the United States of America and the Ottoman Empire was concluded and signed by their respective Plenipotentiaries at Constantinople on the twenty-fifth day of February last, which treaty, being in the English and French languages, is word for word as follows: —

Treaty of Commerce and Navigation between the United States of America and the Ottoman Empire.

The United States of America on the one part, and his Imperial Majesty the Sultan of the Ottoman Empire on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have named as their respective Plenipotentiaries, that is to say: The President of the United States of America, Edward Joy Morris, Minister Resident at the Sublime Porte; and his Imperial Majesty the Sultan of the Ottoman Empire, his highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs, decorated with the Imperial orders of the Othmanieh in Brilliants, the Majidieh, and Order of Merit of the first class, and the grand crosses of several foreign orders; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles: —

Traité de Commerce et de Navigation entre les Etats-Unis d'Amérique, et Sa Majesté Impériale le Sultan de l'Empire Ottoman.

Contracting parties.

Les Etats-Unis d'Amérique d'une part, et Sa Majesté Impériale le Sultan de l'Empire Ottoman de l'autre part, étant également animés du désir d'étendre les relations commerciales entre leurs pays respectifs, sont convenus, á cet effet, de conclure un Traité de Commerce et de Navigation, ont nommé pour leurs Plénipotentiaires, savoir: Le Président des Etats-Unis d'Amérique — Edward Joy Morris, Ministre Résident des Etats-Unis d'Amérique près la Sublime Porte;

Plenipotentiaries.

Sa Majesté Impériale le Sultan, Mouhammed-Emin — Aali Pacha, Son Ministre des Affaires Etrangéres, décoré des Ordres Impériaux de l'Osmanié en brillants, du Médjidié et du Mérite de 1ere Classe, Grand Croix de plusieurs Ordres Etrangers.

Les quels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus des articles suivants.

ARTICLE I.

Privileges, &c., of former treaties confirmed, except as herein modified.

All rights, privileges, and immunities which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify; and it is moreover expressly stipulated that all rights, privileges, or immunities which the Sublime Porte now grants or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign Power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

Rights of most favored nation.

ARTICLE II.

Citizens of the United States may make purchases in the Ottoman Empire.

The citizens of the United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman Empire and its possessions, (whether for the purposes of internal trade or of exportation,) all articles, without any exception whatsoever, the produce or manufacture of the said Empire and possessions; and the Sublime Porte having, in virtue of the second article of the convention of commerce of the 16th of August, 1838, with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other article whatsoever, as well as all "permits" (*tezkerehs*) from the local governors, either for the purchase of any article or for its removal from one place to another when purchased, any attempt to compel the citizens of the United States of America to receive such "permits" from the local governors shall be considered as an infraction of this treaty, and the Sublime Porte shall immediately punish with severity any viziers or other officers who shall have been guilty of such misconduct, and shall render full justice to citizens of the United

"Permits" abolished.

ARTICLE I.

Tous les droits, priviléges et immunités, qui ont été conférés aux citoyens ou aux bâtimens des Etats-Unis d'Amérique par le Traité déjà existant entre les Etats-Unis d'Amérique et l'Empire Ottoman sont confirmés maintenant et pour toujours, á l'exception des clauses du dit Traité que le présent Traité a pour objet de modifier; et il est, en outre, expressément stipule que tous les droits, priviléges et immunités que la Sublime Porte accorde á présent, ou pourra accorder á l'avenir, aux sujets, bâtimens, commerce ou navigation de toute autre Puissance Etrangère, ou dont elle pourra tolérer la jouissance seront également accordés, et l'exercice et la jouissance en seront laissés aux citoyens, bâtimens, commerce, et navigation des Etats-Unis d'Amérique.

ARTICLE II.

Il sera permis aux citoyens des Etats-Unis d'Amérique, ou à leurs ayant cause, d'acheter dans toutes les parties de l'Empire et des possessions Ottomanes (soit pour en faire le commerce à l'intérieur, soit pour les exporter) tous les articles, sans exception quelconque, provenant du sol ou de l'industrie du dit Empire, et des dites possessions; et la Sublime Porte, en vertu du deuxiéme article de la Convention Commerciale du 16 Août 1838 avec la Grande Bretagne, s'étant engagée, formellement, à abolir tous les Monopoles sur les produits de l'Agriculture ou tout autre article quelconque, ainsi que les Permis (Tezkérés) émanant des Gouverneurs locaux pour autoriser l'achat d'un article ou son transport d'un lieu à un autre après l'acquisition, toute tentative ayant pour but de contraindre les citoyens des Etats-Unis d'Amérique à recevoir d'un Gouverneur Local ces sortes de permis, sera considérée comme une infraction aux Traités, et la Sublime Porte punira, immédiatement, avec sévérité tout Visir, ou autre fonctionnaire qui se sera rendu coupable de cette infraction et rendra pleine justice

States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

ARTICLE III.

If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens or their agents shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favored class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman Empire.

ARTICLE IV.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the contracting parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting Powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding eight *per cent.*, calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however

aux citoyens des Etats-Unis d'Amérique pour tout préjudice ou toute perte, qu'ils pourront dûment prouver avoir subis pour cette cause.

ARTICLE III.

Duties on articles purchased for consumption in Turkey.

Les négociants des Etats-Unis d'Amérique, ou leurs ayant cause, qui acheteront un produit quelconque du sol ou de l'industrie Ottomane dans le but de le revendre pour la consommation dans l'intérieur de la Turquie, paieront lors de l'achat et de la vente de cet objet, et pour toute espèce d'opération commerciale y relative, les mêmes droits, qui sont payés dans les circonstances analogues par les plus favorisés parmi les sujets Ottomans ou étrangers engagés dans le commerce intérieur de l'Empire Ottoman.

ARTICLE IV.

Duties on exports not to be higher than, &c.

Aucun droit, aucune charge imposé dans le Territoire ou les Possessions de l'une des Parties Contractantes sur l'exportation d'un article quelconque destiné à être importé dans le Territoire, ou les Possessions de l'autre Partie, ne seront autres, ni plus élevés que ce qui est, ou peut être payable sur l'exportation de ce même article destiné à être importé dans tout autre pays; et il n'y aura de prohibition frappant l'exportation d'un article, quelconque, du Territoire ou des Possessions de l'une des deux Parties Contractantes, et destiné à être importé dans le Territoire ou les possessions de l'autre Partie, qu'autant que cette prohibition s'étendrait également sur l'exportation de ce même article à tout autre pays.

Prohibitions.

Export duty of eight per cent.

Aucune charge, aucun droit, quelconque ne sera exigé sur un article de production ou de fabrication Ottomane, acheté par des citoyens des Etats-Unis d'Amérique, ou leurs ayant cause, soit à l'endroit où cet article aura été acheté, soit lors de son transport de cet endroit á l'endroit d'où il sera exporté, et où il sera assujetti à un droit d'exportation qui n'excédera pas huit pour cent, calculé sur la valeur à l'échelle,

they may have changed hands within any part of the Ottoman Empire.

To be reduced one per cent. annually.

It is furthermore agreed that the duty of eight *per cent.* above mentioned will be annually reduced by one *per cent.*, until it shall be, in this manner, finally reduced to a fixed duty of one *per cent. ad valorem*, destined to cover the general expenses of administration and control.

ARTICLE V.

Duties on imports not to be higher than, &c.

No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of his Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of his Imperial Majesty, of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the contracting parties, into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

Prohibitions.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the empire and possessions of his Imperial Majesty the Sultan,

Import duties not to exceed eight per cent.

et payable au moment d'être exporté; et tout article qui aura acquitté ce droit ne sera point assujetti de nouveau à ce même droit, dans aucune autre partie de l'Empire Ottoman, quand même il aurait changé de mains.

Il est en outre convenu que le droit précité de huit pour cent sera reduit chaque année de un pour cent, jusqu'a ce qu'il soit de la sorte définitivement réduit à une taxe fixe de un pour cent (ad valorem) destiné à couvrir les frais généraux d'administration et de surveillance.

ARTICLE V.

Aucun droit imposé sur l'importation dans les Etats-Unis d'Amérique d'un article quelconque produit du sol ou de l'industrie de l'Empire et des possessions de Sa Majesté Impériale le Sultan, (de quelque lieu qu'il arrive, que ce soit par terre ou par mer) à aucun droit imposé sur l'importation dans les Etats et possessions de Sa Majesté Impériale d'un article quelconque produit du sol ou de l'industrie des Etats-Unis d'Amérique (de quelque lieu qu'il arrive) ne sera autre ou plus élevé que ce qui est, ou peut être payable sur le même article produit du sol ou de l'industrie de tout autre pays.

De plus, aucune prohibition ne sera, ni maintenue, ni imposée, sur un article quelconque produit du sol ou de l'industrie des Pays et Possessions de l'une des Parties Contractantes, lors de son importation dans les Pays et Possessions de l'autre, si la dite prohibition ne s'étend pas à l'article en question, quand il est produit du sol ou de l'industrie de tout autre pays.

Se Majesté Impériale s'engage en outre, sauf les exceptions ci-après, á ne pas prohiber l'importation dans les Etats et Possessions d'aucun article produit du sol ou de l'industrie des Etats-Unis d'Amérique, de quelque lieu qu'il arrive; et, á ce que les droits à percevoir sur les produits du sol ou de l'industrie des Etats-Unis d'Amérique importés dans les Etats et Possessions de Sa Majesté Impériale, n'excédent en aucun cas,

shall in no case exceed one fixed rate of eight *per cent. ad valorem*, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first custom-house they may reach, if brought by land.

If these articles, after having paid the import duty of eight *per cent.*, are sold either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman Empire, but should be reëxported within the space of six months, the same shall be considered as merchandise in transit by land, and be treated as is stated hereinafter in Article XII. of this treaty; the administration of the customs being bound to restore, at the time of their reëxportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of eight *per cent.*, the difference between that duty and the duty levied on goods in transit by land, as set forth in the article above cited.

ARTICLE VI.

It is understood that any article, the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachia, or into the Principality of Servia, which shall pass through any other part of the Ottoman Empire, will not be liable to the payment of customs duty until it reaches those principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those principalities but destined for some other part of the Ottoman Empire, will not be liable to the payment of customs duty until such article reaches the first custom-house under the direct administration of the Sublime Porte.

The same course shall be fol-

un taux fixe de huit pour cent (ad valorem) ou une tarification équivalente, fixée de commun accord.

Ce taux sera calculé sur la valeur des articles à l'échelle, et payable au moment de leur débarquement s'ils arrivent par mer, ou à la première Douane, s'ils arrivent par terre.

No further duty on articles sold in the country.

Si ces articles, après avoir payé le droit d'importation de huit pour cent., sont vendus, soit au lieu où ils arrivent soit dans l'intérieur du pays, ni l' acheteur ni le vendeur, ne pourront être ensuite soumis à aucun autre droit relativement à ces objets; et si ces articles ne doivent pas être vendus pour la consommation dans l'Empire Ottoman, mais qu'ils doivent être exportés de nouveau dans le délai de six mois, ils seront considérés comme marchandise de transit par terre, et traités comme il est dit dans l'Article XII. l' administration des Douanes étant alors tenue de restituer au moment de leur reëxportation, au négociant (qui sera requis de fournir la preuve que le droit d'importation de huit pour cent. à été acquitté) la différence entre ce droit et le droit de transit spécifié dans l'article précité.

Reëxportation.

ARTICLE VI.

Articles intended for Moldo-Wallachia, or Servia;

Il est entendu que les articles d'importation étrangère destinés aux Principautés Unis de Moldo-Valachie et à celle de Serbie, et traversant les autres parties de l'Empire Ottoman n'acquitteront les droits de Douane qu'à leur arrivée dans ces Principautés et réciproquement, que les marchandises d'Importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman, ne devront acquitter les droits de Douane qu'au premier bureau des Douanes administré directement par la Sublime Porte.

for other parts of the Ottoman Empire.

Il en sera de même pour les produits du sol ou de l'industrie de ces Principautés aussi bien que pour ceux du reste de l'Empire Ottoman destinés à l'exportation dans les

Same rule as to exports.

lowed with respect to any article the produce or manufacture of those principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman Empire, intended for exportation. Such articles will be liable to the payment of customs duties, the former to the custom-house of the aforesaid principalities, and the latter to the Ottoman custom-house; the object being that neither import nor export duties shall in any case be payable more than once.

ARTICLE VII.

Rights of warehousing, bounties, drawbacks, &c.

The subjects and citizens of the contracting parties shall enjoy, in the dominions and possessions of the other, equality of treatment with native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

ARTICLE VIII.

Imports in vessels of either country to be charged the same duty.

All articles which are or may be legally importable into the United States of America, in vessels of the United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally importable into the dominions and possessions of his Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of the United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks al-

Same rule as to exports.

pays étrangers, qui devront payer les droits de Douane les premiers entre les mains de l'administration Douanière de ces Principautés, et les derniers au Fisc Ottoman, de telle sorte que les droits d'importation et d'exportation ne pourront en tous les cas être perçus qu'une seule fois.

ARTICLE VII.

Les citoyens, ou sujets de chacune des Parties Contractantes, seront traités dans les Etats et possessions de l'autre sur le même pied que les sujets ou citoyens indigènes relativement aux Droits d'emmagasinage, ainsi qu' à l'égard des primes, facilités, et remboursements de Droits.

ARTICLE VIII.

Tout article étant, ou pouvant être légalement importable dans les Etats-Unis d'Amérique sur des bâtimens des Etats - Unis, peut, de même, être importé sur des bâtimens Ottomans, sans être soumis à aucun droit ni charge (quelle qu'en soit la dénomination) autre, ou plus élevé que si cet article était importé sur un bâtiment des Etats-Unis; et réciproquement, tout article étant, ou pouvant être légalement importable dans les Etats et Possessions de Sa Majesté le Sultan sur des bâtimens Ottomans, pourra, de même être importé sur des bâtimens des Etats-Unis, sans être soumis à aucun droit ou charge (quelle qu'en soit la dénomination) autre ou plus élevé que s'ils étaient importés sur des bâtimens Ottomans. Cette mesure réciproque sera appliquée également, et sans distinction, soit aux articles arrivant directement du lieu de leur origine, soit à ceux arrivant de tout autre pays étranger.

De même, il y aura parfaite réciprocité en ce qui concerne l'exportation. Ainsi, les mêmes droits d'exportation seront payés et les mêmes

lowed in the dominions and possessions of either of the contracting parties on the exportation of any article which is, or may be, legally exportable therefrom, whether such exportations shall take place in Ottoman or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the contracting parties, or of any third power.

primes et les mêmes remboursements de droit seront accordés dans les Etats et Possessions de l'une ou de l'autre des Parties contractantes sur l'exportation d'un article quelconque qui est, ou pourra être, légalement susceptible d'en être exporté, soit que l'exportation ait lieu sur un bâtiment Ottoman ou des Etats-Unis d'Amérique, soit que le lieu de destination se trouve être un port de l'une des Parties, ou, d'une Puissance tierce quelconque.

ARTICLE IX.

No duties of tonnage, harbor, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of government, public functionaries, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally, and under the same conditions, be imposed in the like cases on national vessels in general.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive and whatever may be their place of destination.

ARTICLE IX.

Aucun Droit de Tonnage, de Port, de Pilotage, Phare, Quarantaine, ou autres semblables (quelle qu'en soit la nature, ou la dénomination) levé au nom, ou au profit du gouvernement, de fonctionnaires publics, de particuliers, de corporations, ou d'établissements d'aucune sorte ne sera imposé dans les ports des Etats et Possessions de l'un des deux pays sur les navires de l'autre dans les conditions differentes de celles relatives à tout bâtiment national en général se trouvant dans le même cas. Cette réciprocité s'appliquera aux bâtimens respectifs des deux Puissances, de quelque port ou endroit qu'ils viennent, et quelque soit le lieu de leur destination.

Tonnage duties; harbor, light-house, &c. duties.

ARTICLE X.

All vessels which, according to the laws of the United States, are to be deemed vessels of the United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this treaty, be deemed vessels of the United States and Ottoman vessels respectively.

ARTICLE X.

Tout bâtiment considéré comme Américain par les lois des Etats-Unis d'Amérique, et tout bâtiment considéré comme Ottoman par les lois Ottomanes, sera pour ce qui concerne ce Traité, considéré respectivement comme bâtiment Américain, ou bâtiment Ottoman.

What to be deemed vessels of the United States and what Ottoman vessels.

ARTICLE XI.

No charge whatsoever shall be made upon goods of the United States, being the produce or manufacture of the United States of America, whether in vessels of the United States or other vessels, nor upon any goods the produce or

ARTICLE XI.

Aucun Droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie des Etats-Unis d'Amérique, soit qu'elles arrivent sur des bâtimens Américains, ou d'autres, ni sur les marchandises provenant des produits du

No charge upon certain goods of the United States.

manufacture of any other foreign country carried in vessels of the United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transshipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed, in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the custom-house, called transit magazines; and in any other places where there is no entrepôt they shall be placed under the charge of the administration of the customs.

ARTICLE XII.

Transit duty to be reduced.

The Sublime Porte, desiring to grant, by means of gradual concessions, all facilities in its power to transit by land, it is stipulated and agreed that the duty of three *per cent.*, levied up to this time on articles imported into the Ottoman Empire, in their passage through the Ottoman Empire to other countries, shall be reduced to two *per cent.*, payable as the duty of three *per cent.* has been paid hitherto, on arriving in the Ottoman dominions; and at the end of eight years, to be reckoned from the day of the exchange of the ratifications of the present treaty, to a fixed and definite tax of one *per cent.*, which shall be levied, as is to be the case with respect to Ottoman produce exported, to defray the expense of registration.

Frauds may be prevented.

The Sublime Porte, at the same time, declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

ARTICLE XIII.

Taxes upon and rights of citizens of the United States.

Citizens of the United States of America, or their agents, trading in goods the produce or manufacture

sol et de l'industrie de tout autre pays étranger, chargées sur des bâtimens des Etats-Unis, quand ces marchandises passeront les Détroits des Dardanelles et du Bosphore, soit qu'elles traversent ces Détroits sur les bâtimens, qui les ont apportées ou qu'elles aient été transbordées sur d'autres bâtimens, ou que vendues pour l'exportation, elles soient débarquées pour un temps limité pour être mises à bord d'autres bâtimens et continuer leur voyage. Dans ce dernier cas, ces marchandises devront être déposées à Constantinople dans les magasins de la Douane, dits de Transit et placées partout ailleurs ou il n'y aurait pas d'entrepôt, sous la surveillance de l'administration des Douanes.

ARTICLE XII.

La Sublime Porte désirant accorder, au moyen de concessions graduelles, toutes les facilités en son pouvoir au Transit par terre, il a été stipulé et convenu que le Droit de trois pour cent. prélvé jusqu' à ce jour sur les marchandises importées dans l'Empire Ottoman pour en être expédiées dans d'autres pays, sera réduit à Deux pour cent., payable (comme le droit de Trois pour cent. a été payé jusqu'ici) à leur arrivée dans les Etats Ottomans, et au bout de huit-ans, à compter du jour où les Ratifications du présent Traité auront été échangées, à une taxe fixe, et définie, d'un pour cent., qui sera prélevé (comme ce sera également le-cas pour l'exportation des produits Ottomans) pour couvrir les frais d'enregistrement.

La Sublime Porte déclare, en même temps, se réserver le droit d'établir par une disposition spéciale, les mesures à adopter pour préve nir la fraude.

ARTICLE XIII.

Les citoyens des Etats-Unis d'Amérique, ou leurs ayant cause, se livrant dans l'Empire Ottoman,

of foreign countries, shall be subject to the same taxes and enjoy the same rights, privileges, and immunities, as foreign subjects dealing in goods the produce or manufacture of their own country.

ARTICLE XIV.

An exception to the stipulations laid down in the fifth article shall be made in regard to tobacco in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included among those which the citizens of the United States of America are permitted to import into the Ottoman dominions.

Citizens of the United States, however, or their agents, buying or selling tobacco or salt for consumption in the Ottoman Empire, shall be subject to the same regulations and shall pay the same duties as the most favored Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above mentioned, no duty whatsoever shall in future be levied on those articles when exported from the Ottoman Empire by citizens of the United States.

Citizens of the United States shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported to the proper custom-house authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

ARTICLE XV.

It is understood between the two contracting parties that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman Empire of gunpowder, cannon, arms of war, or military stores, but such prohibition will not come into operation until it shall have been officially

au Commerce des articles, produits du sol, ou de l'industrie des Pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, priviléges et immunités que les sujets Etrangers trafiquant des marchandises provenant des produits du sol ou de l'industrie de leur propre pays.

ARTICLE XIV.

Tobacco and salt not to be imported into Turkey.

Par exception aux stipulations de l'Art. V., le tabac, sous toutes les formes, et le sel, cessent d'être compris au nombre des articles que les citoyens des Etats-Unis d'Amérique ont la faculté d'importer dans l'Empire Ottoman; cependant les citoyens des Etats-Unis d'Amérique, ou leurs ayant cause, qui acheteront ou vendront du tabac, ou du sel pour la consommation de l'Empire Ottoman, seront soumis aux mêmes réglements, et payeront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livreront au commerce de ces deux articles, et en outre, comme compensation de cette prohibition des deux articles sus-mentionnés, aucun droit ne sera perçu à l'avenir sur ces articles quand ils seront exportés de l'Empire Ottoman par des citoyens des Etats-Unis d'Amérique.

Traders in tobacco and salt in Turkey.

No export duty on tobacco and salt.

Regulations as to their exportation.

Les citoyens des Etats-Unis d'Amérique séront, néanmoins, tenus de déclarer aux autorités de la Douane la quantité de tabac et de sel exportée, et les dites autorités conserveront, comme par le passé, le droit de surveiller l'exportation de ces articles, sans pouvoir pour cela être autorisées à les frapper d'aucune taxe sous un prétexte quelconque.

ARTICLE XV.

Importation of gunpowder, arms, &c., may be prohibited.

Il est entendu entre les deux Hautes Parties Contractantes que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre, des canons, armes de guerre, ou munitions militaires dans les Etats de l'Empire Ottoman. Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officielle-

notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited shall, on being imported into the Ottoman Empire, be subject to the local regulations, unless the legation of the United States of America shall think fit to apply for a special license, which will in that case be granted, provided no valid objection thereto can be alleged. Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations : —

Stipulations as to gunpowder when imported.

1. It shall not be sold by citizens of the United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of the United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depots, or fitting places designated by the government, to which the parties interested shall have access under due regulations.

Not to apply to what.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present article.

ment notifiée, et ne pourra s'étendre que sur les articles specifiés dans le Décret qui les interdit. Celui de ces articles qui ne sera pas ainsi prohibé, sera assujetti, à son introduction dans l'Empire, aux Reglements locaux, sauf les cas où la Légation des Etats-Unis d'Amérique demande une permission exceptionelle, la quelle sera alors accordée, à moins que des raisons sérieuses ne s'y opposent. La poudre en particulier, si son introduction est permise, sera assujettie aux obligations survantes.

1re Elle ne sera pas vendue par les citoyens des Etats-Unis d'Amériqu' au-delà de la quantité prescrite par les Réglements locaux.

2d Quand une cargaison, ou une quantité considérable de Poudre arrivera dans un port Ottoman à bord d'un bâtiment des Etats-Unis d'Amérique, ce bâtiment sera tenu de mouiller sur un point particuliér désigné par les autorités locales, et de débarquer sa poudre sous l'inspection de ces mêmes autorités, dans des entrepôts ou autres endroits qui seront également designés par elles, et aux quels les parties interessées auront accés en se conformantt aux réglements voulus.

Ne sont pas compris dans les restrictions du présent article, les fusils de chasse, les pistolets, les armes de luxe, ainsi qu' une petite quantité de poudre de chasse réservée à l'usage privé.

ARTICLE XVI.

Firmans.

The firmans required for merchant-vessels of the United States of America, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

ARTICLE XVI.

Les *Firmans* (ordres Impériaux) exigés des bâtimens marchands des Etats-Unis d'Amérique à leurs passages par les Dardanelles et le Bosphore, leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

ARTICLE XVII.

Manifests to be deposited in custom-house.

The captains of merchant-vessels of the United States laden with goods destined for the Ottoman Empire shall be obliged, immediately on their arrival at the port of their destination, to deposit in the

ARTICLE XVII.

Les Capitaines des bâtimens de commerce des Etats-Unis d'Amérique ayant à bord des marchandises à destination de l'Empire Ottoman, seront tenus, immédiatement après leur arrivée du port de destination,

custom-house of said port a true copy of their manifest.

ARTICLE XVIII.

Contraband goods will be liable to confiscation by the Ottoman treasury; but a report or *procés verbal*, of the alleged act of contraband, must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband unless the fraud with regard to them shall be duly and legally proved.

ARTICLE XIX.

All merchandise, the produce or manufacture of the Ottoman dominions and possessions, imported into the United States of America, shall be treated in the same manner as the like merchandise, the produce or manufacture of the most favored nation.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by the subjects, vessels, commerce, or navigation of any foreign power in the United States of America shall be equally granted to, and exercised and enjoyed by the subjects, vessels, commerce, and navigation of the Sublime Porte.

ARTICLE XX.

The present treaty, when ratified, shall be substituted for the commercial convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of the United States of America has been heretofore placed, and shall continue in force for twenty-eight years from the day of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other,

de déposer à la Douane une copie exacte de leur manifeste.

ARTICLE XVIII.

Contraband.

Les marchandises introduites en contrebande seront passibles de confiscation au profit du trésor Ottoman; mais un rapport, ou procès verbal du fait de contrebande allégué devra, aussitôt que les marchandises seront saisies par les autorités, être dressé et communiqué à l'autorité Consulaire du citoyen ou sujet auquel appartiendraient les objets réputés de contrebande; et aucune marchandise ne pourra être confisquée comme contrebande tant que la fraude n'aura pas été dûment et légalement prouvée.

Proceedings to confiscate.

ARTICLE XIX.

Subjects, vessels, and merchandise of the Sublime Porte in the United States to have the rights of the most favored nation.

Toute marchandise, produit du sol, ou de l'industrie Ottomane, soit de l'Empire, soit de ses Dependances importée dans les Etats-Unis d'Amérique, sera traité sur le même pied que la marchandise produit du sol ou de l'industrie, de la nation la plus favorisée.

Tous les Droits, priviléges, ou immunités accordés maintenant, ou pouvant être accordés plus tard, aux subjets, bâtimens, commerce ou navigation de toute Puissance etrangère dans les Etats-Unis d'Amérique, ou, dont la jouissance pourra y être tolerée, seront également accordés aux sujets, bâtimens, commerce et navigation de la Porte Ottomane et l'exercice et la jouissance leur en seront laissés.

ARTICLE XX.

Present treaty to be substituted for what;

Le présent Traité, une fois ratifié, sera substitué à la Convention conclue le 16 Août 1838, entre la Sublime Porte et la Grande Bretagne, et qui était déjà applicable au commerce des Etats-Unis d'Amérique; et il sera en vigueur pour vingt huit ans, à partir du jour de l'échange des ratifications. Chacune des Parties Contractantes aura, cependant, la faculté de faire savoir à l'autre, à l'expiration de la quatorziéme année (époque à laquelle les provi-

to continue for twenty-eight years.

Notice to terminate may be given, &c.

at the end of fourteen years, (that time being fixed, as the provisions of this treaty will then have come into full force,) notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of twenty-one years.

Treaty to be executed in all the provinces of the Ottoman Empire.

The present treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire; that is to say, in all the possessions of his Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the united Principalities of Moldavia and Wallachia.

ARTICLE XXI.

Treaty to be construed fairly.

It is always understood that the government of the United States of America does not pretend, by any article in the present treaty to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Ottoman government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient treaties or by the present treaty to citizens of the United States or their merchandise.

ARTICLE XXII.

Tariff of custom-house duties to be agreed on.

The high contracting parties have agreed to appoint, jointly, commissioners for the settlement of a tariff of custom-house duties, to be levied in conformity with the stipulations of the present treaty, as well upon merchandise of every description, being the produce or manufacture of the United States of America, imported into the Ottoman Empire, as upon articles of every description the produce or manufacture of the Ottoman Empire and its possessions, which citizens of the United States or their agents are free to purchase in any part of the Ottoman Empire for exportation to the United States or

sions du Traité auront reçu leur pleine et entière exécution) de même qu' à l'expiration de la vingt-et unième année, si elle à le projet de le reviser, ou de le faire cesser à l'expiration d'une année, à partir de la date de cette notification.

Le présent Traité sera exécutoire dans toutes et dans chacune des Provinces de l'Empire Ottoman, c'est-á-dire, dans tous les Etats de Sa Majesté Impériale le Sultan situés en Europe ou en Asie, en Egypte et dans les autres parties de l'Afrique, appartenant à la Sublime Porte, en Serbie, et dans les Principautés Unies de Moldavie et de Valachie.

ARTICLE XXI.

Il est toujours entendu que le Gouvernement des Etats-Unis d'Amérique ne pretend point, par aucun article du present Traité stipuler au delà du sens clair et équitable des termes employés, ni entraver, en aucune manière, le Gouvernement Ottoman, dans l'exercice de ses droits d'administration intérieure, autant, toutefois, que ces droits ne porteront pas une atteinte manifeste aux priviléges accordés par les Traités anciens, ou par celui-ci aux citoyens des Etats-Unis d'Amérique, ou à leurs marchandises.

ARTICLE XXII.

Les Hautes Parties Contractantes sont convenues de nominer, conjointement des Commissaires pour établir le Tarif des Droits de Douane à percevoir, conformément aux stipulations du présent Traité, tant sur les marchandises de toute espèce provenant des produits du sol ou de l'industrie des Etats-Unis d'Amérique importées dans l'Empire Ottoman, que sur les articles, de toute sorte, provenant des produits du sol, ou de l'industrie de l'Empire Ottoman, articles que les citoyens des Etats-Unis d Amérique, ou leurs ayant cause sont libres d'acheter dans toutes les parties de l'Empire Ottoman, pour les exporter soit dans

to any other country. The new tariff, to be so concluded, shall remain in force during seven years, dating from the date of the exchange of the ratifications.

Each of the contracting parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the seventh year, neither the one nor the other of the contracting parties shall avail itself of this right, the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years.

To remain in force seven years.

How and when may be revised.

les Etats-Unis d'Amérique, soit en d'autres pays. Le nouveau Tarif à établir de la sorte, restera en vigueur pendant sept ans, à dater du jour de l'échange des Ratifications.

Chacune des Parties Contractantes aura le droit, un an avant l'expiration de ce terme, de demander la révision du Tarif. Mais si, pendant la septième année ni l'une ni l'autre n'use de ce droit, le Tarif continuera d'avoir force de Lois pour sept autres années, à dater du jour de l'expiration des sept annees précédentes; et il en sera de même à chaque période successive de sept ans.

ARTICLE XXIII.

The present treaty shall be ratified and the ratifications shall be exchanged at Constantinople in three calendar months, or sooner, if possible, and shall be carried into execution when ratified.

Done at Constantinople on the twenty-fifth day of February, eighteen hundred and sixty-two.

EDWARD JOY MORRIS. [L. S.]
AALI. [L. S.]

ARTICLE XXIII.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Constantinople dans l'espace de trois mois, ou plus tôt si faire se peut, et il sera mis à exécution à partir du jour de l'échange des Ratifications.

Fait à Constantinople le treize vingt-cinq fevrier, mil-huit-cent-soixante-deux.

AALI. [L. S.]
EDWARD JOY MORRIS. [L. S.]

Treaty when to be ratified.

When concluded.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Constantinople on the fifth ultimo, by Edward Joy Morris, Minister Resident of the United States at the Sublime Porte, and by his highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs of his Imperial Majesty the Sultan of the Ottoman Empire, on the part of their respective governments:

Exchange of ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause, and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclaimed by the President of the United States.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this second day of July, in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-sixth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

Treaty between the United States of America and the Kickapoo Tribe of Indians. Concluded June 28, 1862. Ratification advised, with amendment, by Senate, March 13, 1863. Amendment accepted May 5, 1863. Proclaimed by the President of the United States, May 28, 1863.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : June 28, 1862.

Preamble.

WHEREAS a treaty was made and concluded at the Agency of the Kickapoo Tribe of Indians, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Delegates of the Kickapoo Indians, for and on behalf of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Contracting parties.

Articles of a Treaty made and concluded at the agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the undersigned Chiefs, Headmen, and Delegates of the Kickapoo nation, on behalf of said nation.

Reservation to be surveyed.

ARTICLE I. The Kickapoo Tribe of Indians, believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of one hundred and fifty thousand acres of land, to allot land in severalty to those members of said tribe who desire to have separate tracts of lands, and have adopted the customs of the whites, and to set apart for the others of said tribe a portion of said reservation, to be held by them in common, or (if a majority of them so elect) provide for them a suitable home elsewhere, to be held by them in common, it is therefore hereby agreed that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, and the quantity of land hereinafter mentioned to be set apart to those of said tribe who desire to have their land in severalty; and, if so elected by a majority of the others of said tribe, the quantity of land hereinafter mentioned to be by such others held in common, and the remainder of the land, after the special reservations hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

Portion to be set apart.

See page 20.

Remainder to be sold.

Census of the tribe to be taken.

ARTICLE II. It shall be the duty of the agent of the United States for said tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common, designating chiefs and heads of families respectively; each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind and otherwise incompetent, as to which of these classes they will belong. And thereupon shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief, at the signing of the treaty, one half section; to each other head of a family, one quarter section; and to each other person, forty acres of land; to include in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts

See page 21.

Separate lists to be made.

Assignments of land.

Certificates to issue.

assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of only to the United States, or to persons then being members of the Kickapoo tribe, and of Indian blood, with the permission of the President, and under such rules and regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person[s] to whom they are issued shall be deemed to have relinquished all right to any portion of the lands assigned to others in severalty, or to a portion of the tribe in common, and to the proceeds of sale of the same whensoever made.

Lands to be exempt from taxation, &c.

Persons receiving certificates to relinquish, &c.

Patents in fee-simple when to issue to allottees.

ARTICLE III. At any time hereafter, when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provision of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons, cause the land severally held by them to be conveyed to them by patent in fee-simple, with power of alienation; and may, at the same time, cause to be paid to them, in cash, or in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty. And on such patents being issued, and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: *Provided*, That, before making any such application to the President, they shall appear in open court, in the district court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens; and shall also make proof, to the satisfaction of said court, that they are sufficiently intelligent and prudent to control their affairs and interests; that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

Their shares of credits to be paid them.

See page 21.

They to become citizens of the United States.

Oath of allegiance and proof.

Provision for those members who wish to hold their lands in common.

ARTICLE IV. To those members of said tribe who desire to hold their lands in common, there shall be set apart from the present reservation of the tribe an undivided quantity, sufficient to allow one half section to each chief, one quarter section to each other head of a family, and forty acres to each other person; and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the treaty of 1854. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty, and in the proceeds of sales thereof whenever made; or should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then, and in that case, their new home shall not be limited to the quantity above designated, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least one dollar and twenty-five cents per acre: *Provided*, That the purchase of such new home shall be made by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, and at such locality within said Indian country as he may select: *And provided, also*, That such new home shall be purchased and the Indians entitled removed thereto, at the cost of the United States, within the period of two years after the completion of the surveys

Effect of assignment in common.

New home to be purchased, &c.

See page 21.

herein provided for. And such Indians shall be entitled to the benefits of their full proportionate share of all assets belonging to said tribe, in the same manner that they would have been entitled had such removal not been made.

Atchison and Pike's Peak Railroad may buy certain lands.

ARTICLE V. The Kickapoo tribe of Indians, entertaining the opinion that it is the desire of the government and the people of the United States to extend railroad communication as far west as possible in the shortest possible time, and believing that it will greatly enhance the value of their lands reserved in severalty by having a railroad built, connecting with the eastern railroads running from the city of Atchison, in the state of Kansas, westerly in the direction of the gold mines in Colorado territory; and entertaining the opinion that the Atchison and Pike's Peak Railroad Company, incorporated by an act of the legislative assembly of the territory of Kansas, approved February 11th, 1859, has advantages for travel and transportation over all other companies, it is therefore provided that the Atchison and Pike's Peak Railroad Company shall have the privilege of buying the remainder of their land within six months after the tracts herein otherwise disposed of shall have been selected and set apart, provided said railroad company purchase the whole of such surplus lands at the rate of one dollar and twenty-five cents per acre; and when the selections shall have been made and assigned as aforesaid, it shall be the duty of the Commissioner of Indian Affairs to notify the president of said railroad company thereof; and if said railroad company signifies its consent to purchase said surplus lands, the Secretary of the Interior shall issue to said railroad company certificates of purchase, and such certificates shall be deemed and held in all courts as evidence of title and possession in said railroad company to all or any part of said lands, unless the same shall be forfeited as hereinafter provided. And if said railroad company make such purchase, it shall be subject to the following considerations, viz: They shall construct and fully equip a good and efficient railroad from the city of Atchison, in the state of Kansas, westerly, within six years, and as follows: The first section of fifteen miles of said road to be completed within three years from the date of said purchase, and the second section to a point as far west as the western boundary of said reservation within three years thereafter; and no patent or patents shall issue to said company or its assigns for any portion of said lands until the first section of said road shall be completed, and then for not more than one half of said lands; and no patent or patents shall issue to said company or its assigns for any of the remaining portion of said lands until said second section of said railroad shall be completed as aforesaid; and before any patents shall issue for any part of said lands, payments shall be made for the lands to be patented at the rate of one dollar and twenty-five cents per acre. And said company shall pay the whole amount of the purchase-money for said lands in the securities of the United States to the Secretary of the Interior, in trust for said Kickapoo Tribe of Indians, within six years from the date of such purchase; and when so paid the President is authorized hereby to issue patents therefor. Said company shall, in like manner, pay to the Secretary of the Interior, in trust as aforesaid, each and every year, until the whole purchase-money shall have been paid, interest from date of purchase, at six per cent. per annum, on all the purchase-money remaining unpaid. Said interest, and the interest due on the purchase-money after it is paid to the United States, shall be held in trust and paid to said Indians on the first day of April of each and every year; and in ten years from the ratification of this treaty there shall be paid by the United States to said tribe of Indians ten thousand dollars, as their first instalment upon the amount of said purchase-money, and ten thousand dollars each and every year thereafter until all is paid.

Proviso.

See page 21.

Conditions of purchase.

Contract or purchase when to be null and void.

ARTICLE VI. In case said railroad company shall fail to complete either section of said railroad in a good and efficient manner, or shall fail

to pay the whole of the purchase-money for said lands within the time herein prescribed, or shall fail to pay all or any part of the interest upon the same each year as aforesaid, within thirty days from the date when such payment of interest shall fall due, then the contract or purchase shall be deemed and held absolutely null and void, and shall cease to be binding on either of the parties hereto, and said company or its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been before the date of such forfeiture earned and paid for pursuant to the provisions of this treaty. And whenever any patents shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the lands described in such patent, except so much as shall be necessary for the working of the road, within five years from the issuing of such patent. And said company shall have the perpetual right of way over the lands of the Kickapoos not sold to it for the construction and operation of said railroad, not exceeding one hundred feet in width, and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of the said road, making compensation for any damages to improvements caused by obtaining such material, and for any damages arising from the location or running of said road, to improvements made before the road was located; such damages and compensation, in cases where said company and the persons whose improvements are injured or the property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with six per cent. interest thereon from the date when the same shall have been ascertained and demanded; and in case said company shall not purchase said surplus lands, or having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than one dollar and twenty-five cents per acre, and shall sell the same in quantities not exceeding one hundred and sixty acres at auction, to the highest bidder for cash, at not less than [the] appraised value: *Provided, however*, In case any of said lands have been conveyed to bona fide purchasers by said railroad company, such purchasers shall be entitled to a patent for said lands so purchased by them on payment of one dollar and twenty-five cents per acre therefor, under such rules and regulations as may be prescribed by the Secretary of the Interior. On the purchase of said lands by the said railroad company the same shall become a part of the state of Kansas, but none of said lands shall be subject to taxation until the patents have been issued therefor.

See page 21.

Patents to contain what conditions.

Statement of amounts due the Kickapoos under treaties, and of amounts received to be made.

ARTICLE VII. The Kickapoos having heretofore negotiated treaties with the United States containing various stipulations in their behalf, which they claim have not been fully complied with, it is hereby provided that a correct statement of the amount that was agreed to be paid by any and all treaty stipulations, of all the treaties heretofore made, and also of all amounts received by said tribe by virtue of such treaty stipulations, shall be made under the direction of the Commissioner of Indian Affairs; and in case any amount shall be found due or unpaid to said Indians, the same, together with all annuities which have not heretofore been kept up and paid, shall now be paid up in full to said tribe, together with all the interest thereupon.

See page 21.

Dwelling-house to be erected for each head of family.

ARTICLE VIII. For the purpose of comfortably establishing the Kickapoo Tribe of Indians upon the lands to be assigned to them in severalty, the agent of said tribe, upon the ratification of this treaty, shall cause

See page 21.

to be erected for each head of a family a suitable dwelling-house, to be paid for out of the first moneys due said Indians, and not otherwise appropriated.

Certain losses sustained by the Kickapoos, how to be ascertained and paid.

ARTICLE IX. It is hereby agreed that the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall appoint a commissioner whose duty it shall be to ascertain the amount of losses sustained by said Kickapoo nation by reason of the destruction of their timber, and the stealing of their horses, cattle, and other property by the whites and hostile Indians, and said amount, when so ascertained, shall be paid as follows, viz: the amount of losses sustained by the destruction of their timber shall be invested in the purchase and erection of a steam saw and grist mill, provided said sum shall not amount to more than eight thousand dollars; the residue, if any, shall be invested in six per cent. United States or state bonds and added to the fund now held in trust by the United States for said tribe; and to each member of said tribe shall be paid, in gold or silver, the amount he or she may have lost by reason of the stealing of horses, cattle, and other property: *Provided*, That said amounts shall not, altogether, exceed fifty thousand dollars. And if a larger sum shall be claimed and proved up, the amount shall be paid *pro rata*, and shall be in full of all demands arising from such causes.

See page 21.

Not to exceed $50,000 in the whole.

Provision as to Kickapoos who heretofore went South.

ARTICLE X. Whereas some years since a portion of the Kickapoos went down among the Southern Indians, and there is reason to believe that but few, if any, of them will ever return, and they having been notified of the provisions of this treaty, it is hereby agreed that they shall receive no benefits arising therefrom, unless they return to the present reservation of the Kickapoos within six months from the date of this instrument, in which case it is hereby agreed that forty acres each be allotted to them, with the understanding that they will occupy, improve, and cultivate the same, and in every respect to be governed by the same rules and regulations as is prescribed for the government of the lands reserved by the preceding articles.

See page 21.

Reservation for saw and grist-mill.

ARTICLE XI. There shall be reserved six hundred and forty acres of land to be selected by the chiefs of said tribe of Kickapoos as a site for a saw and grist mill, three hundred and twenty acres where the mission-house now is, and one hundred and sixty acres where the house built for the agency now is, which, with the improvements thereupon, shall be disposed of when the objects for which they have been reserved shall have been accomplished, in such a manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos.

See page 21.

Investment of fund for educational purposes.

Interest, how applied.

ARTICLE XII. The fund now held in trust by the United States for said tribe of Indians for educational purposes shall be invested in six per cent. United States or state bonds, and the interest thereof expended annually, under the direction of the Commissioner of Indian Affairs, for agricultural, school, and other beneficial purposes for said Indians.

See page 21.

Expenses of surveys to be paid by the United States.

Vol. x. p. 1078.

ARTICLE XIII. Inasmuch as it was provided by the treaty between the United States and said Kickapoos, entered into on the 18th day of May, A. D. 1854, that the President may cause to be surveyed, in the same manner that the public lands are surveyed, the reservation provided for the Kickapoos, it is agreed that the expense of said surveys shall be paid by the United States, and all expenses incident to the negotiation and execution of this treaty, and not otherwise provided for, shall be defrayed by the Kickapoos; the same to be deducted from any funds applicable to that purpose now or hereafter held for them in trust by the United States; and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for, in order to the full execution of all and every part of this treaty.

See page 21.

See page 21.

Reservation ceded to the United States.

ARTICLE XIV. It is further agreed that all rights, title, and interest of the Kickapoos in their present reservation shall cease, and the same is hereby ceded to and vested in the United States, subject to the limitations and for the purposes herein expressed and provided for.

Inconsistent stipulations of no effect.

ARTICLE XV. Any stipulation in former treaties inconsistent with those embraced in the foregoing articles shall be of no force or effect.

Effect of rejection, &c., of any article of this treaty.

ARTICLE XVI. Should the Senate reject or amend any of the foregoing articles, such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified and approved.

Signature.

In testimony whereof, the said Charles B. Keith, commissioner as aforesaid, and the undersigned chiefs, headmen, and delegates of the Kickapoo Tribe of Indians, have hereunto set their hands and seals, at the place, on the day, and in the year hereinbefore written.

CHARLES B. KEITH, [SEAL.]
Commissioner on behalf of the United States.

CHIEF PAR-THEE, or the Elk Chief, his x mark. [SEAL.]
CHIEF PAH-KAH-KAH, or John Kennekuk, his x mark. [SEAL.]
CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder, his x mark. [SEAL.]
KEN-NE-KUK, or Stephen Pen-sion-eau, his x mark. [SEAL.]
MAH-MAH-SHE-COW-AH, or Bear Track, her x mark. [SEAL.]
PET- TI-QUAUK, or Rolling Thunder, his x mark. [SEAL.]
JOHN C. ANDERSON, [SEAL.]
TOTH-WAY, or Frank Cadue, his x mark. [SEAL.]

Executed in presence of—

JOHN E. BADGER.
H. C. PURSEL.
NELSON S. SHALER.
PASCHALL PENSIONEAU, his x mark, *U. S. Interpreter.*
W. D. BARNETT, *witness to signature of Paschall Pensioneau.*

Ratification, with amendment.

And whereas, the foregoing treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of March, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by resolution, and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 13th, 1863.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a treaty made and concluded at the Agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, commissioner on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Kickapoo nation, on behalf of said nation," with the following

Amendments.

AMENDMENTS:

See page 15.

Article 1, line 15, after "the" strike out "Commissioner of Indian Affairs," and insert in lieu thereof: *Secretary of the Interior*

Article 2, lines 1 and 2, strike out "Agent of the United States for said tribe to take," and insert in lieu thereof: *Secretary of the Interior to cause to be made.* See page 15.

Article 3, lines 12, 13, and 14, strike out the following: "paid to them, in cash or in the bonds of the United States," and insert in lieu thereof: *set apart and placed to their credit severally.* See page 16.

Article 4, line 39, strike out the words "at the cost of the United States." At the end of article 4 insert: *deducting therefrom the necessary expenses of their removal.* See page 16.

Article 5, line 34, after the word "lands" insert: *within sixty days thereafter, and shall make, execute, and deliver to the Secretary of the Interior the bonds of the said company in a penal sum equal to double the value of said surplus lands as heretofore ascertained, with the condition that the said bonds shall become void whenever the said company shall comply with the conditions of the treaty.* See page 17.

Article 5, line 39, strike out "title and" and insert: *the right of.*

Article 6, line 11, strike out "shall" and insert: *may.* See page 18.

" " lines 12, 13, and 14, strike out the words "and shall cease to be binding on either of the parties hereto," and insert: *if the Secretary of the Interior shall so determine.*

" " line 57, after the word "same" insert: *not including improvements.*

" " line 72, after "payment" strike out "of" and insert: *to the United States in trust for said Kickapoos of the appraised value thereof (exclusive of their improvements) and not less than.*

Strike out Article 7. See pages 18, 19.

Strike out Article 8.

Strike out Article 9.

Article 10, lines 11 and 12, strike out "six months from the date of this instrument," and insert in lieu thereof: *one year from the ratification of this treaty.* See page 19.

Article 11, lines 13, 14, and 15, strike out "the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos," and insert in lieu thereof: *may be provided by law.* See page 19.

Strike out Article 12. See page 19.

Article 13, line 7, after "United States" insert: *out of the proceeds of the sales of said lands.* See page 19.

" " lines 12, 13, 14, 15, 16, and 17, strike out the following words: "and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for in order to the full execution of all and every part of this treaty."

Attest: J. W. FORNEY, *Secretary.*

Amendment assented to.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter named chiefs, headmen, and delegates of the Kickapoo Tribe of Indians, they did, on the fifth day of May, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been submitted and fully interpreted to the undersigned, chiefs, delegates, and headmen of the Kickapoo nation, and we, being thereunto duly authorized, do hereby, for and on behalf of said nation, agree to and ratify the said treaty and the amendments thereto as above set forth.

In testimony whereof we have hereunto set our hands and seals this fifth day of May, A. D. 1863.

CHIEF PAR-THEE, or the Elk, his x mark. [SEAL.]
CHIEF PAH-KAH-KAH, or John Kennekuk, his x mark. [SEAL.]
CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder, his x mark. [SEAL.]
PET-TI-QUAUK, or Rolling Thunder, his x mark. [SEAL.]
KEN-NE-KUK, or Stephen Pen-sion-eau, his x mark. [SEAL.]
MAH-MAH-SHE-COW-AH, or Bear Track, her x mark. [SEAL.]
JOHN C. ANDERSON, [SEAL.]

Executed in presence of —

JOHN E. BADGER.
N. S. SHALER.
WILLIAM FOSTER.
PASCHALL PENSIONEAU, his x mark. *U. S. Interpreter.*
H. C. PURSEL, *witness to signature of Paschall Pensioneau.*

I hereby certify that the foregoing treaty between the United States and the Kickapoo Tribe of Indians, concluded on the 28th day of June, 1862, together with the foregoing amendments thereto made by the Senate of the United States on the 13th day of March, 1863, were read and fully explained by me to said Indians through Paschall Pensioneau, the United States Interpreter, and that the chiefs, headmen, and delegates above named, on behalf of said tribe, this day in council assembled, did freely accept and consent to said treaty, together with said amendments, and subscribe their names and affixed their seals thereto in my presence.

Given under my hand this 5th day of May, A. D. 1863.

CHARLES B. KEITH, *U. S. Indian Agent.*

Proclaimed by the President of the United States.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirteenth of March, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh. [L. S.]

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

TREATIES.

Convention between the United States of America and the Republic of Ecuador; Concluded at Guayaquil, November 25, 1862; Ratified by the President of the United States, February 13, 1863; Ratifications exchanged at Quito, July 27, 1864; Proclaimed by the President of the United States, September 8, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Nov. 25, 1862.

A PROCLAMATION.

Preamble.

WHEREAS a Convention between the United States of America and the Republic of Ecuador, for the mutual adjustment of claims, was concluded and signed by their respective Plenipotentiaries, at the city of Guayaquil, on the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and sixty-two, which Convention, being in the English and Spanish languages, is, word for word, as follows: —

Contracting parties.

The United States of America and the Republic of Ecuador, desiring to adjust the claims of citizens of said States against Ecuador, and of citizens of Ecuador against the United States, have, for that purpose, appointed and conferred full powers, respectively, to wit: The President of the United States on Frederick Hassaurek, Minister Resident of the United States in Ecuador, and the President of Ecuador on Juan José Flores, General-in-Chief of the Armies of the Republic, who, after exchanging their full powers, which were found in good and proper form, have agreed on the following articles: —

La República del Ecuador y los Estados Unidos de América, deseando atender á las reclamaciones de ciudadanos del Ecuador contra los Estados Unidos y de ciudadanos de los Estados Unidos contra el Ecuador, han nombrado con el enunciado objeto, y conferido plenos poderes; el Presidente del Ecuador á Juan José Flores, General en Jefe de los ejércitos de la República, y el Presidente de los Estados Unidos á Federico Hassaurek, Ministro Residente de los Estados Unidos en el Ecuador, quienes, despues de haber canjeado sus plenos poderes y de hallarlos en debida forma, han convenido en los artículos siguientes: —

ARTICLE I.

Claims between the contracting parties to be referred to commissioners.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the government of Ecuador, or of corporations, companies, or individuals, citizens of Ecuador, upon the government of the United States, shall be referred to a Board of Commissioners, consisting of two members,

ARTICULO I.

Las reclamaciones de particulares, compañías, ó corporaciones del Ecuador contra los Estados Unidos, ó las de particulares, compañías ó corporaciones de los Estados Unidos contra el Ecuador se someterán al exámen y decision de una comision compuesta de dos individuos nombrados, el uno por el Gobierno del

Appointment. one of whom shall be appointed by the Government of the United States, and one by the Government of Ecuador. In case of death, absence, resignation, or incapacity of either commissioner, or in the event of either commissioner omitting or ceasing to act, the Government of the United States or that of Ecuador, respectively, or the Minister of the United States in Ecuador, in the name of his Government, shall forthwith proceed to fill the vacancy thus occasioned. The commissioners so named shall meet in the city of Guayaquil within ninety days from the exchange of the ratifications of this convention, and before proceeding to business shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims that shall be submitted to them; and such oath shall be entered on the record of their proceedings.

Vacancy.

Time of meeting.

Oath.

Umpire. The commissioners shall then proceed to name an abitrator or umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference which may arise in the course of their proceedings. And if they cannot agree in the selection, the umpire shall be appointed by her Britannic Majesty's Chargé d'Affaires, or (excepting the Minister Resident of the United States) by any other diplomatic agent in Quito whom the two high contracting parties shall invite to make such appointment.

ARTICLE II.

Examination of claims. The arbitrator or umpire being appointed, the commissioners shall, without delay, proceed to examine the claims which may be presented to them by either of the two Governments; and they shall hear, if required, one person in behalf of each government on every separate claim.

Papers to be furnished. Each government shall furnish, upon request of either commissioner, such papers in its possession as may be deemed important to the just determination of any claim or claims.

Amounts to be paid. In cases where they agree to

Ecuador, y el otro por el de los Estados Unidos. En los casos de muerte, ausencia, renuncia, ó incapacidad de alguno de los dos comisionados, ó de que falte ó cese en el ejercicio de sus funciones, el Gobierno del Ecuador, ó el de los Estados Unidos, respectivamente, ó el Ministro de los Estados Unidos Residente en el Ecuador, á nombre de su Gobierno, procederán inmediatamente á llenar la vacante.

Los comisionados se reunirán en la ciudad de Guayaquil dentro de noventa dias contados desde el canje de las ratificaciones de esta Convencion; y ántes de empezar á ejercer sus funciones prestarán juramento de examinar escrupulosamente las reclamaciones que les sean sometidas, de fallar acerca de ellas con estricta justicia y con arreglo á lo estipulado en la presente convencion. Dicho juramento constará en el registro de sus trabajos.

Los comisionados procederán en seguida á nombrar un árbitro para que decida definitivamente en los casos que no estén de acuerdo ó acerca de las diferencias que puedan suscitarse en el curso de sus trabajos. Si no pudieren convenirse en la eleccion del árbitro, este será nombrado por el Encargado de Negocios da Su Magestad Británica ó cualquier otro Ajente Diplomático en el Gabinete de Quito, previa invitacion de las dos altas partes contratantes. Se esceptúa al Ministro de los Estados Unidos por estar impedido.

ARTICULO II.

Luego que haya sido nombrado el árbitro, la comision procederá á examinar detenidamente las reclamaciones y pruebas que le dirija cualquiera de los dos Gobiernos, y oirá (si se exijiere) á una persona por parte de cada Gobierno en el exámen de una ó mas reclamaciones. Cada Gobierno, á peticion de cualquier comisionado, suministrará los documentos que posea, y que el comisionado estime necesarios para formar su juicio y fallar con acierto.

Cuando la comision conceda una indemnizacion cualquiera, fijará la

award an indemnity, they shall determine the amount to be paid. In cases in which said commissioners cannot agree, the points of difference shall be referred to the umpire, before whom each of the commissioners may be heard, and whose decision shall be final.

ARTICLE III.

The commissioners shall issue certificates of the sums to be paid to the claimants respectively, whether by virtue of the awards agreed to between themselves or of those made by the umpire; and the aggregate amount of all sums decreed by the commissioners, and of all sums accruing from awards made by the umpire, under the authority conferred by the fifth article, shall be paid to the government to which the respective claimants belong. Payment of said sums shall be made in equal annual instalments, to be completed within nine years from the date of the termination of the labors of the commission, the first payment to be made six months after the same date. To meet these payments both governments pledge the revenues of their respective nations.

ARTICLE IV.

The commission shall terminate its labors in twelve months from the date of its organization. They shall keep a record of their proceedings, and may appoint a secretary versed in the knowledge of the English and Spanish languages.

ARTICLE V.

The proceedings of this commission shall be final and conclusive with respect to all pending claims. Claims which shall not be presented to the commission within the twelve months it remains in existence will be disregarded by both governments, and considered invalid. In the event that, upon the termination of the labors of said commission, any case or cases should be pending before the umpire, and awaiting his decision,

cantidad que se debe pagar; y en caso de que los comisionados no puedan ponerse de acuerdo someterán sus diferencias al árbitro, quien oirá á cada uno de ellos si lo estimaren necesario. El fallo del árbitro será definitivo.

ARTICULO III.

Certificates of amounts awarded.

La comision expedirá certificados de las sumas á que fueren acreedores los reclamantes, ya sea en virtud de sus fallos ó de los que pronunciare el árbitro; y la cantidad á que ascendieren los certificados expedidos por los comisionados y la que resultare de los fallos del árbitro en virtud de lo acordado en el artículo 5°, se pagará al Gobierno de que dependan los reclamantes, verificando dicho pago por novenas partes dentro de nueve años, contados, desde la fecha en que la comision termine sus trabajos, y el primer dividendo seis meses despues. Para verificar los pagos mencionados, ambos Gobiernos comprometen las rentas de sus respectivas naciones.

Payment.

Revenues pledged.

ARTICULO IV.

End of commission.

La comision terminará sus funciones doce meses despues del dia de su instalacion, llevará un rejistro de sus trabajos y podrá nombrar un secretario que conozca la lengua española y la inglesa.

Secretary.

ARTICULO V.

Proceedings to be conclusive as to pending claims.

Los trabajos de la comision ponen término á las reclamaciones pendientes, y las que no le sean dirijidas dentro de los doce meses fijados, serán desestimadas por ambos Gobiernos y se considerarán prescritas. En caso de que al concluirse los trabajos de la comision quedaren pendientes una ó mas decisiones del árbitro, se autoriza á este para pronunciar su fallo y expedir los correspondientes certificados, ponién-

Claims to be presented while commission exists.

Duty of umpire as to certain cases.

said umpire is hereby authorized to make his decision or award in such case or cases, and his certificate thereof in each case, transmitted to each of the two governments, shall be held to be binding and conclusive: provided however, that his decision shall be given within thirty days from the termination of the labors of the commission, at the expiration of which thirty days his power and authority shall cease.

dolo en conocimiento de los dos Gobiernos, que los estimarán válidos y obligatorios. El árbitro dará sus decisiones dentro de treinta dias perentorios, contados desde aquel en que la comision termine sus trabajos, quedando sin valor ni efecto los que se pronunciaren despues.

ARTICLE VI.

ARTICULO VI.

Pay of commissioners and of the umpire.

Each government shall pay its own commissioner; but the umpire, as well as the incidental expenses of the commission, shall be paid one half by the United States and the other half by Ecuador.

Cada Gobierno costeará su respectivo comisionado, pagará la mitad de lo que se asigne al árbitro y satisfará la mitad de los gastos que ocasionare la comision.

ARTICLE VII.

ARTICULO VII.

Ratifications.

The present convention shall be ratified and the ratifications exchanged in the city of Quito.

In faith whereof, we, the respective Plenipotentiaries, have signed this convention and hereunto affixed our seals, in the city of Guayaquil, this twenty-fifth day of November, in the year of our Lord, eighteen hundred and sixty-two.

F. HASSAUREK. [L. S.]
JUAN JOSÉ FLORES. [L. S.]

La presente Convencion será ratificada, y las ratificaciones serán cangeadas en la ciudad de Quito.

En fe de lo cual, nosotros los respectivos Plenipotenciarios hemos firmado esta Convencion y selládola con nuestros sellos particulares en la ciudad de Guayaquil á veinticinco de Noviembre de mil ochocientos sesenta y dos.

JUAN JOSÉ FLORES. [L. S.]
F. HASSAUREK. [L. S.]

Exchange of ratifications.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Quito on the twenty-seventh day of July last:

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighth day of September, one thousand eight hundred and sixty-four, and of the Indepen-
[L. S.] dence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

Convention between the United States of America and the Republic of Peru. Concluded at Lima, December 20, 1862; *ratified by the President of the United States, February* 24, 1863; *exchanged at Lima, April* 24, 1863; *proclaimed by the President of the United States, May* 19, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Dec. 20, 1862.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Peru was concluded and signed by their respective Plenipotentiaries at the city of Lima on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two, which Convention, being in the English and Spanish languages, is, word for word, as follows: — Preamble.

Convention between the United States of America and the Republic of Peru.

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana"; and the two governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have for that purpose named their respective Plenipotentiaries — that is to say, the President of the United States has appointed Christopher Robinson their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Don José Gregorio Paz Soldan, Minister of State in the office of Foreign

Convencion entre el Perú y los Estados Unidos de América.

Por cuanto se han suscitado entre la República del Perú y los Estados Unidos de América algunas diferencias originadas por la captura y confiscacion de dos buques pertenecientes á ciudadanos de los Estados Unidos, titulados "Lizzie Thompson" y "Georgiana," y no habiendo podido los dos gobiernos arribar á un arreglo de las cuestiones provenientes de dicha captura y confiscacion, y estando animados ambos del deseo de mantener las relaciones de amistad y armonía que siempre han existido y que desean continuar y estrechar, han convenido en someter todas las cuestiones tanto de hecho como de derecho, anexas á la captura y confiscacion de los buques "Lizzie Thompson" y "Georgiana" á la decision de una potencia amiga. Y estando convenidos en proceder así y arreglar de este modo las diferencias mencionadas, la República del Perú y los Estados Unidos de América han nombrado con tal objeto sus respectivos Plenipotenciarios, á saber; el Presidente del Perú á Don José Gregorio Paz Soldan, Ministro de Estado en el Despacho de Relaciones Exteriores y Presidente del Consejo de Ministros, y los Estados Unidos de América á Don Cristobal Robinson, Enviado Extraordinario y Ministro Plenipotenciario de dichos Estados en

Claims upon Peru for the capture, &c., of the "Lizzie Thompson" and "Georgiana" to be referred to the decision of some friendly power.

Plenipotentiaries.

Relations and President of the Council of Ministers, who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The King of Belgium to be arbiter.

The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, his Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions both of law and fact involved in the proceedings of the government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana."

ARTICLE II.

The King of Belgium to be properly solicited to act as arbiter.

The two contracting parties will adopt the proper measures to solicit and obtain the assent of his Majesty the King of Belgium to act in the office hereby conferred upon him.

After his Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents residing at Brussels, to his Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention.

Papers to be submitted to him.

ARTICLE III.

Documents, &c., to be submitted within six months.

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such.

Lima, quienes, despues de haber canjeado sus respectivos plenos poderes y hallándolos en buena y debida forma, han convenido en los artículos siguientes:

ARTICULO I.

Las dos partes contratantes convienen en nombrar árbitro, arbitrador y amigable componedor á S. M. el Rey de los Belgas, confiriéndole el mas ámplio poder para que decida y resuelva todas las cuestiones, tanto de hecho como de derecho, procedentes de la conducta observada por el Gobierno Peruano en la captura y confiscacion de los buques "Lizzie Thompson" y "Georgiana."

ARTICULO II.

Las dos partes contratantes emplearán los medios conducentes para suplicar y obtener de S. M. el Rey de los Belgas la aceptacion del cargo que le confieren.

Despues que S. M. haya manifestado su aquiescencia para ejercer el cargo de árbitro, ambas partes contratantes someterán, por medio de sus agentes diplomáticos residentes en Bruselas, á S. M. copias de toda la correspondencia, pruebas, papeles y documentos que han sido cambiados entre los dos gobiernos y sus respectivos representantes; y si alguna de las partes contratantes creyere conveniente presentar al dicho árbitro otros papeles, pruebas ó documentos ademas de los mencionados, estos serán comunicados á la otra parte en el término de cuatro meses despues de la ratificacion de este convenio.

ARTICULO III.

Estando ambas partes igualmente interesadas en que se decidan las cuestiones sometidas, convienen en entregar al dicho árbitro todos los documentos mencionados en el art. 2° en el término de seis meses, despues que el árbitro haya prestado su consentimiento.

ARTICLE IV.

The sentence or decision of said arbiter, when given, shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect.

ARTICULO IV.

La sentencia ó decision de dicho árbitro será la conclusion de todas las cuestiones mencionadas anteriormente, y las partes contratantes se comprometen á cumplir inmediatamente esta decision.

Decision of arbiter to be final.

ARTICLE V.

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof.

ARTICULO V.

Esta convencion será ratificada y se cangearán las ratificaciones en el término de seis meses contados despues de firmado este convenio.

Ratifications to be exchanged within six months.

In faith whereof the Plenipotentiaries of the two governments have signed and sealed, with their respective seals, the present convention.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

CHRISTOPHER ROBINSON. [L. S.]

JOSÉ G. PAZ SOLDAN. [L. S.]

En fé de lo cual los Plenipotenciaros de los gobiernos han firmado y sellado con sus sellos respectivos la presente convencion.

Hecha en Lima por cuadruplicado á los veinte dias del mes de Diciembre del año del Señor mil ochocientos sesenta y dos.

JOSÉ G. PAZ SOLDAN. [L. S.]

CHRISTOPHER ROBINSON. [L. S.]

Signature.

And whereas the said Convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Lima on the twenty-fourth day of April last:

Exchange of ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation by the President.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States of America and the Republic of Peru. Concluded at Lima, January 12, 1863; *ratified by the President of the United States, February* 24, 1863; *exchanged at Lima, April* 18, 1863; *proclaimed by the President of the United States, May* 19, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: January 12, 1863.

A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Peru, for the settlement of the pending claims of the citizens of either country against the other, was concluded and signed by their respective plenipotentiaries at the city of Lima on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three, which Convention, as amended by the contracting parties, and being in the English and Spanish languages, is, word for word, as follows: — Preamble.

Convention between the United States of America and the Republic of Peru for the settlement of the pending claims of the citizens of either country against the other.

The United States of America and the Republic of Peru, desiring to settle and adjust amicably the claims which have been made by the citizens of each country against the government of the other, have agreed to make arrangements for that purpose by means of a Convention, and have named as their plenipotentiaries to confer and agree thereupon as follows: The President of the United States Christopher Robinson, Envoy Extraordinary and Minister Plenipotentiary of said States to Peru, and the President of Peru Don José Gregorio Paz Soldan, the Minister of Foreign Relations and President of the Council of Ministers, who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed as follows: —

ARTICLE I.

All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the

Convencion entre la República del Perú y los Estados Unidos de América para el arreglo de las reclamaciones de los ciudadanos de ambas naciones contra los respectivos gobiernos. Contracting parties.

La República del Perú y los Estados Unidos de América, deseando ajustar y arreglar amigablemente las reclamaciones de los ciudadanos de ambos paises contra los respectivos gobiernos, han convenido en arreglarlas por medio de una Convencion, y con tal objeto han nombrado como Plenipotenciarios para proceder á este arreglo, el Presidente del Perú á Don José Gregorio Paz Soldan, Ministro de Relaciones Exteriores y Presidente del Consejo de Ministros; y el Presidente de los Estados Unidos de América á Don Cristobal Robinson, su Enviado Extraordinario y Ministro Plenipotenciario en Lima; quienes, despues de haber cangeado sus respectivos plenos poderes, y hallándolos en buena y debida forma, han convenido en lo siguiente: —

ARTICULO I.

Todas las reclamaciones de los ciudadanos del Perú contra el Gobierno de los Estados Unidos, y las de los ciudadanos de los Estados Claims against Peru to be referred to a mixed commission.

United States, which have not been embraced in conventional or diplomatic agreement between the two governments or their plenipotentiaries, and statements of which, soliciting the interposition of either government, may, previously to the exchange of the ratifications of this convention, have been filed in the Department of State at Washington, or the Department of Foreign Affairs at Lima, shall be referred to a mixed commission composed of four members, appointed as follows: Two by the Government of the United States and two by the Government of Peru. In case of the death, absence, or incapacity of either commissioner, or in the event of either commissioner ceasing to act, the Government of the United States, or its Envoy Extraordinary and Minister Plenipotentiary in Peru, acting under its direction, or that of the Republic of Peru, shall forthwith proceed to fill the vacancy thus occasioned.

Number and appointment of commissioners.

Vacancies.

Unidos contra el Gobierno del Perú, las cuales no hayan sido comprendidas en arreglos convencionales ó diplomáticos entre los dos Gobiernos ó sus Plenipotenciarios, y cuyas solicitudes por la interposicion de sus gobiernos, antes del cange de las ratificaciones de esta Convencion, hayan sido presentadas al Ministerio de Relaciones Exteriores en Lima ó al Departamento de Estado en Washington, serán sometidas á una Comision Mixta, compuesta de cuatro miembros, nombrados así: dos por el Gobierno del Perú, y dos por el Gobierno de los Estados Unidos. En caso de muerte, ausencia ó incapacidad de algun comisionado, ó en que caso de que por algun motivo deje de funcionar, el Gobierno del Perú y el de los Estados Unidos, ó su Enviado Extraordinario y Ministro Plenipotenciario, procediendo en su nombre, llenará la vacante ocasionada.

ARTICLE II.

Commissioners to name an umpire;

The commissioners so named shall immediately after their organization, and before proceeding to any other business, proceed to name a fifth person to act as an arbitrator or umpire in any case or cases in which they may themselves differ in opinion.

ARTICULO II.

Los Comisionados nombrados en esta forma, despues de organizarse y antes de proceder á ningun otro asunto, nombrarán una quinta persona que ejerza el cargo de tercero en discordia, en el caso en que aquellos no estuvieren de acuerdo.

ARTICLE III.

to meet in Lima within three months after, &c.;

to take and subscribe an oath.

The commissioners appointed as aforesaid shall meet in Lima within three months after the exchange of the ratifications of this Convention; and each one of the commissioners, before proceeding to any business, shall take an oath, made and subscribed before the most Excellent Supreme Court, that they will carefully examine and impartially decide, according to the principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them under the provisions of this Convention, and in accordance with the evidence submitted on the part of either government. A sim-

ARTICULO III.

Los Comisionados nombrados en esta forma se reunirán en Lima tres meses despues del cambio de las ratificaciones de esta Convencion; y cada uno de ellos antes de proceder á ocuparse en ningun asunto, prestarán y suscribirán un juramento ante la Excelentisima Corte Suprema, de que examinarán con cuidado y decidirán con imparcialidad, y segun los principios de justicia y equidad y las prescripciones del Derecho de Gentes y los Tratados, todas las reclamaciones que se les someterán conforme esta Convencion, y en virtud de las pruebas que presente cada gobierno. Un juramento igual será prestado y suscrito

ilar oath shall be taken and subscribed by the person selected by the commissioners as arbitrator or umpire, and said oaths shall be entered upon the record of the proceedings of said commission.

Oath of umpire.

por la persona elegida por los Comisionados como Arbitro ó Tercero en Discordia; y estos juramentos formarán parte de las actas de la Comision.

ARTICLE IV.

The arbitrator or umpire being appointed, the commissioners shall, without delay, proceed to examine and determine the claims specified in the first article, and shall hear, if required, one person in behalf of each government on each separate claim. Each government shall furnish, at the request of either of the commissioners, the papers in its possession which may be important to the just determination of any of the claims referred.

Claims to be examined.

Mode of procedure.

Papers to be furnished.

ARTICULO IV.

Nombrado el árbitro ó Tercero, los Comisionados procederán sin demora á examinar y determinar las reclamaciones especificadas en el artículo primero, y oirán, si lo tienen por conveniente, una persona en defensa de cada gobierno para cada reclamacion. Los dos Gobiernos, á solicitud de cualquiera de los Comisionados, presentarán los papeles que tengan y que puedan conducir á la justa decision de las reclamaciones.

ARTICLE V.

From the decision of the commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of their claims as to the amount of indemnification that may be adjudged to the claimants, and in case the commissioners cannot agree, the points of difference shall be referred to the arbitrator or umpire, before whom the commissioners may be heard, and his decision shall be final.

Decision of commissioners to be final.

Agreement of three to be sufficient.

ARTICULO V.

La decision ó sentencia de la Comision será sin apelacion; y bastará el voto de tres Comisionados para dar plena fuerza y efecto á sus decisiones, tanto respecto á la justicia de las reclamaciones como al monto de las indemnizaciones que puedan ser adjudicadas á los reclamantes; y en caso de discordia, los puntos de diferencia serán sometidos al árbitro ó Tercero, ante el cual deben ser oidos los Comisionados; y la decision del Tercero será el final y conclusion.

ARTICLE VI.

The decision of the mixed commission shall be executed without appeal by each of the contracting parties, and it shall be the duty of the commissioners to report to the respective governments the result of their proceedings; and if the decision of said commissioners require the payment of indemnities to any of the claimants, the sums determined by the said commissioners shall be paid by the government against which they are awarded within one month after said government shall have received the report of said commissioners; and for any delay in the payment of the sum awarded

Each party shall execute the decree without appeal.

Payments, how made.

ARTICULO VI.

La decision de la Comision Mixta será ejecutada sin apelacion por cada una de las partes contratantes; y será deber de los Comisionados presentar á los respectivos gobiernos el resultado de sus procedimientos; y si la decision de los dichos Comisionados requiriere el pago de indemnizaciones en favor de alguno de los reclamantes, las sumas determinadas por dichos Comisionados serán pagadas por el Gobierno contra el cual se decreten, un mes despues que este haya recibido la sentencia de la Comision; y por cualquier demora en el pago de la suma acordada, despues de cumplido el

Interest, when to be paid.

after the expiration of said month, the sum of six per cent. interest shall be paid during such time as said delay shall continue.

ARTICLE VII.

Secretary to the commission.

Rules of business.

For the purpose of facilitating the labors of the mixed commission, each government shall appoint a secretary to assist in the transaction of their business and to keep a record of their proceedings, and for the conduct of their business said commissioners are authorized to make all necessary rules.

ARTICLE VIII.

Decisions to be final.

Commission to conclude labors in six months.

Decision of umpire on pending cases may be made within thirty days after.

The decisions of this commission, or of the umpire in case of a difference between the commissioners, shall be final and conclusive, and shall be carried into full effect by the two contracting parties. The commission shall terminate its labors in six months from and including the day of its organization; provided, however, if at the time stipulated for the termination of said commission, any case or cases should be pending before the umpire and awaiting his decision, it is understood and agreed by the two contracting parties, that said umpire is authorized to proceed and make his decision or award in such case or cases, and upon his report thereof to each of the two governments, mentioning the amount of indemnity, if such shall have been allowed by him, such award shall be final and conclusive in the same manner as if it had been made by the commissioners under their own agreement; provided that said decision shall be made by said umpire within thirty days after the final adjournment of said commission, and at the expiration of the said thirty days, the power and authority hereby granted to said umpire shall cease.

ARTICLE IX.

Expenses of commissioners, umpire, &c., how to be paid.

Each government shall pay its own commissioners and secretary, but the umpire shall be paid, one half by the Government of the United

mes estipulado, se pagará el interes legal de seis por ciento sobre la cantidad, mientras dure la demora.

ARTICULO VII.

Con el objeto de facilitar los trabajos de la Comision Mixta cada Gobierno nombrará un Secretario para que auxilie á los Comisionados en sus trabajos y lleve la acta respectiva; para el modo de organizar sus trabajos y procedimientos los Comisionados están autorizados para dictar las reglas.

ARTICULO VIII.

Las decisiones de la Comision ó del Tercero, en caso de discordia entre los Comisionados, serán concluyentes y finales, y se llevarán á debido efecto por las dos partes contratantes. La Comision terminará sus trabajos seis meses despues del dia de su organizacion, inclusive aquel; sin embargo si al tiempo estipulado para la terminacion de sus trabajos hay algunos puntos pendientes ante el Tercero en discordia, queda entendido y convenido por las dos partes contratantes, que el mencionado Tercero queda autorizado para emitir su decision ó bando, y presentará al Gobierno el valor de la indemnizacion, si esta se decreta, y este bando será el final y conclusion del mismo modo que si hubiera sido expedido por los Comisionados en sus acuerdos. Esta decision sin embargo será expedida por el Tercero treinta dias despues de la última sesion de la mencionada Comision; y despues de este plazo estipulado de treinta dias, cesan los poderes y el encargo del Tercero en Discordia.

ARTICULO IX.

Cada Gobierno pagará sus Comisionados y Secretario; pero el Tercero en Discordia será pagado, la mitad por el Gobierno del Perú y

States and one half by the Republic of Peru.

ARTICLE X.

The present Convention shall be ratified and the ratifications thereof shall be exchanged in the term of four months from the date hereof.

In faith whereof, the respective Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Lima this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three.

CHRISTOPHER ROBINSON. [L. S.]

JOSÉ G. PAZ SOLDAN. [L. S.]

la mitad por el de los Estados Unidos.

ARTICULO X.

La presente Convencion será ratificada y las ratificaciones cambiadas en el término de cuatro meses de su fecha. Ratifications to be exchanged within six months.

En fé de lo cual los respectivos Plenipotenciarios la han firmado y puesto sus sellos.

Hecha en Lima á los doce dias del mes de Enero del año del Señor de mil ochocientos sesenta y tres. Signature.

JOSÉ G. PAZ SOLDAN. [L. S.]

CHRISTOPHER ROBINSON. [L. S.]

And whereas the said Convention, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the city of Lima on the eighteenth day of April last: Ratifications.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof. Proclamation by the President.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Additional Article to the Treaty for the Suppression of the African Slave-Trade, between the United States of America and her Britannic Majesty, of the 7th of April, 1862; concluded February 17, 1863; ratified by the United States, March 5, 1863; ratifications exchanged, April 1, 1863; and proclaimed by the President of the United States, April 22, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

February 17, 1863.

Preamble.

WHEREAS an additional article to the treaty for the suppression of the African slave-trade, between the United States of America and her Britannic Majesty, of the 7th of April, 1862, was concluded and signed at Washington by their respective plenipotentiaries, on the 17th day of February, 1863, which additional article is, word for word, as follows:—

Additional Article to the Treaty between the United States of America and her Britannic Majesty for the Suppression of the African Slave-Trade, signed at Washington April 7, 1862.

Right of search and detention of certain vessels may be exercised within thirty leagues of Madagascar, Puerto Rico, and San Domingo.

WHEREAS, by the first article of the treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, for the suppression of the African slave-trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two high contracting parties which shall be provided with special instructions for that purpose as thereinafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African slave-trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African slave-trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereinafter agreed upon; and whereas it was by the said article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the island of Cuba; and whereas the two high contracting parties are desirous of rendering the said treaty still more efficacious for its purpose, the plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the article aforesaid, may be exercised also within thirty leagues of the island of Madagascar, within thirty leagues of the island of Puerto Rico, and within thirty leagues of the island of San Domingo.

Vol. xii. p. 1225.

This article to have same effect as if it formed part of former treaty.

The present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner if possible.

Ratifications to be exchanged in six months.

In witness whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Signature.

Done at Washington, the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

Ratification.

And whereas the said additional article has been duly ratified on both parts, and the respective ratifications of the same were exchanged at London on the 1st instant, by Charles Francis Adams, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States, at the Court of St. James, and Earl Russell, her Britannic Majesty's principal Secretary of State for foreign affairs, on the part of their respective governments:

Proclamation by the President.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said additional article to be made public, to the end that the same, and every clause and part thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-second day of April, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States of America and His Majesty the King of the Belgians; Dated at Brussels, May 20, 1863; *Ratified, March* 6, 1864; *Exchanged, June* 24, 1864; *Proclaimed by the President of the United States, November* 18, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. May 20, 1863.

A PROCLAMATION.

Preamble. WHEREAS a convention between the United States of America and his Majesty the King of the Belgians, to complete by new stipulations the treaty of commerce and navigation between the United States and Belgium, of the seventeenth of July, eighteen hundred and fifty-eight, was Vol. xii. p. 1043. concluded and signed by their respective plenipotentiaries, at Brussels, on the twentieth day of May, eighteen hundred and sixty-three, which convention, being in the English and French languages, is word for word, as follows: —

Contracting parties. The President of the United States of America, on the one side, his Majesty the King of the Belgians, on the other side, having deemed it advantageous to complete, by new stipulations, the treaty of commerce and navigation entered into by the United States and Belgium on the seventeenth day of July, eighteen hundred and fifty-eight, have resolved to make a convention in addition to that arrangement, and have appointed for their plenipotentiaries, namely: —

The President of the United States, Henry Shelton Sanford, a citizen of the United States, their minister resident near his Majesty the King of the Belgians; his Majesty the King of the Belgians, the Sieur Charles Rogier, grand officer of the Order of Leopold, decorated with the iron cross, grand cross of the order of the Ernestine Branch of Saxony, of the Polar Star of St. Maurice and St. Lazarus, of Our Lady of the Conception of Villa-Vicosa, of the Legion of Honor, of the White Eagle, &c., a member of the Chamber of Representatives, his minister of foreign affairs; who, after having communicated to each other their full powers, found to be in good and proper form, have agreed upon the following articles: —

Le Président des Etats-Unis d'Amérique, d'une part, et Sa Majesté le Roi des Belges, d'autre part, ayant jugé utile de compléter par de nouvelles stipulations le traité de commerce et de navigation signé entre les Etats-Unis et la Belgique le dix-sept Juillet mil huit cent cinquante huit, ont résolu de conclure une convention additionnelle à cet arrangement et ont nommé pour leurs Plénipotentiaires, savoir: —

Le Président des Etats-Unis, Henri Shelton Sanford, citoyen des Etats-Unis, son Ministre Résident près Sa Majesté le Roi des Belges; Sa Majesté le Roi des Belges, le Sieur Charles Rogier, Grand Officier de l'Ordre de Léopold, décoré de la Croix de Fer, Grand Cordon des Ordres de la Branche Ernestine de Saxe, de l'Etoile Polaire, des SS. Maurice et Lazare, de Notre Dame de la Conception de Villa-Viçosa, de la Légion d'Honneur et de l'Aigle Blanc, &a., Membre de la Chambre des Représentants, son Ministre des Affaires Etrangères, lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants: —

ARTICLE I.

From and after the day when the capitalization of the duties levied upon navigation in the Scheldt shall have been secured by a general arrangement —

Tonnage dues. 1st. The tonnage dues levied in Belgian ports shall cease.

Fees for pilotage. 2d. Fees for pilotage in Belgian ports and in the Scheldt, in so far as it depends on Belgium, shall be reduced twenty per centum for sailing vessels, twenty-five per centum for vessels in tow, thirty per centum for steam vessels.

Port dues, &c. 3d. Port dues and other charges levied by the city of Antwerp shall be throughout reduced.

ARTICLE II.

Transportation of salt. In derogation to the ninth article of the treaty of the seventeenth of July, eighteen hundred and fifty-

Vol. xii. p. 1046. eight, the flag of the United States shall be assimilated to that of Belgium for the transportation of salt.

ARTICLE III.

Tariff of import duties. The tariff of import duties resulting from the treaty of the first of May, eighteen hundred and sixty-one, between Belgium and France, is extended to goods imported from the United States, on the same conditions with which it was extended to Great Britain by the treaty of the twenty-third of July, eighteen hundred and sixty-two.

The reduction made by the treaties entered into by Belgium with Switzerland on the eleventh of December, eighteen hundred and sixty-two, with Italy on the ninth of April, eighteen hundred and sixty-three, with the Netherlands on the twelfth of May, eighteen hundred and sixty-three, and also with France on the twelfth of May, eighteen hundred and sixty-three, shall be equally applied to goods imported from the United States.

It is agreed that Belgium shall also extend to the United States the reductions of import duties which may result from her subsequent treaties with other powers.

ARTICLE 1ER.

A partir du jour où la capitalisation du péage de l'Escaut sera assurée par un arrangement général: —

1°. Le droit de tonnage prélevé dans les ports belges cessera d'être perçu;

2°. Les droits de pilotage dans les ports belges et dans l'Escaut, en tant qu'il dépendra de la Belgique, seront réduits: de 20 p. c. pour les navires à voiles, de 25 p. c. pour les navires remorqués, de 30 p. c. pour les navires à vapeur;

3°. Le régime des taxes locales imposées par la ville d'Anvers sera dégrévé dans son ensemble.

ARTICLE II.

Par dérogation à l'art. 9 du traité du dix-sept Juillet mil huit cent cinquante huit, le pavillon des Etats-Unis sera assimilé au pavillon belge pour le transport du sel.

ARTICLE III.

Le tarif résultant du traité du premier Mai mil huit cent soixante et un entre la Belgique et la France est étendu aux marchandises importées des Etats-Unis dans les mêmes conditions qu'il l'a été à l'Angleterre par le traité du 23 Juillet mil huit cent soixante deux.

Seront également appliqués aux dites marchandises les dégrèvements opérés par les traités conclus par la Belgique avec la Suisse le onze Décembre mil huit cent soixante deux, avec l'Italie le neuf Avril mil huit cent soixante trois, avec les Pays Bas le douze Mai mil huit cent soixante trois, et avec la France également le douze Mai mil huit cent soixante trois.

Il est convenu que la Belgique étendra aussi aux Etats-Unis les réductions de tarif qui pourraient résulter de ses traités subséquents avec d'autres puissances.

ARTICLE IV.

The United States, in view of the proposition made by Belgium to regulate, by a common accord, the capitalization of the Scheldt dues, consents to contribute to this capitalization under the following conditions:—

A. The capital sum shall not exceed thirty-six millions of francs.

B. Belgium shall assume for its part one-third of that amount.

C. The remainder shall be apportioned among the other States, pro rata to their navigation in the Scheldt.

D. The proportion of the United States, to be determined in accordance with this rule, shall not exceed the sum of two millions seven hundred and seventy-nine thousand two hundred francs.

E. The payment of the said proportion shall be made in ten annual instalments of equal amount, which shall include the capital and the interest on the portion remaining unpaid at the rate of four per centum.

The first instalment shall be payable at Brussels, on the first day of April, eighteen hundred and sixty-four, or immediately after the Congress of the United States shall have made the requisite appropriation. In either event, the interest shall commence to run on the date of the first of April, eighteen hundred and sixty-four, above mentioned.

The government of the United States reserves the right of anticipating the payment of the proportion of the United States.

The above-mentioned conditions for the capitalization of the Scheldt dues shall be inserted in a general treaty, to be adopted by a conference of the maritime States interested, and in which the United States shall be represented.

ARTICLE. V.

The articles I. and IV. of the present additional convention shall be perpetual; and the remaining articles shall, together with the treaty of commerce and navigation made between the high contracting parties

ARTICLE IV.

Prenant en considération les propositions faites par la Belgique pour régler, d'un commun accord, la capitalisation du péage de l'Escaut, les Etats-Unis consentent à contribuer à cette capitalisation sous les conditions suivantes:— Contribution of the United States to the capitalization of the Scheldt dues;

A. Le capital n'excédera pas une somme de trente-six millions de francs.

B. La Belgique prendra à sa charge le tiers de ce capital.

C. Le reste sera reparti entre les autres Etats, dans la proportion de leur navigation dans l'Escaut.

D. La quote-part des Etats-Unis, devant être fixée d'après cette règle, ne pourra s'élever au-dessus d'une somme de deux millions sept cent septante neuf mille deux cents francs. not to exceed, &c.;

E. Le paiement de la dite quote-part sera effectué en dix annuités, d'égale valeur, qui comprendront le capital et les intérêts à quatre pour cent des parties du capital non-échues. how to be paid.

La première annuité sera payable à Bruxelles le 1er Avril 1864 ou aussitôt après que le Congrès des Etats-Unis aura voté les fonds nécessaires. Dans tout cas, l'intérêt prendrait cours à partir de la date susdite du premier Avril mil huit cent soixante quatre.

Le Gouvernement des Etats-Unis se réserve d'opérer l'extinction anticipée de sa quote-part.

Les conditions ci-dessus énoncées pour la capitalisation du péage de l'Escaut seront insérées dans un traité général qui sera arrêté par une conférence des Etats maritimes intéressés, conférence dans lequel les Etats-Unis seront représentés.

ARTICLE V.

La présente convention additionnelle sera perpétuelle en ce qui regarde les articles I. et IV. et, pour le surplus, elle aura, ainsi que le traité du dix-sept Juillet mil huit cent cinquante huit, la même force et la Duration of this convention.

on the seventeenth of July, eighteen hundred and fifty-eight, have the same force and duration as the treaties mentioned in Article III.

Exchange of ratifications.

The ratifications thereof shall be exchanged with the least possible delay.

In faith whereof, the respective plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Signature.

Made in duplicate, and signed at Brussels the twentieth day of May, eighteen hundred and sixty-three.

H. S. SANFORD. [L. S.]

même durée que les traités mentionnés à l'article 3.

Les ratifications en seront échangées dans le plus court délai possible.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait en double original et signé à Bruxelles, le vingtième jour du mois de Mai mil huit cent soixante trois.

CH. ROGIER. [L. S.]

Declaration annexed.

Declaration annexed to the additional convention signed this day between the United States and Belgium.

The Plenipotentiary of the United States having required that the attributions of the consuls of the United States in Belgium should become the object of farther stipulations, and it having been impracticable to complete in season the examination of the said stipulations, it is agreed that the Belgian government will continue that examination with the sincere intent to come to an agreement as early as may be possible.

Signature.

Done at Brussels, in duplicate, the twentieth of May, eighteen hundred and sixty-three.

H. S. SANFORD.

Déclaration annexée à la convention additionnelle signée en date de ce jour entre les Etats-Unis et la Belgique.

Le Plénipotentiaire des Etats-Unis ayant demandé que les attributions des consuls Américains en Belgique fissent l'objet de quelques stipulations nouvelles, et l'étude des dites stipulations n'ayant pu se terminer en temps utile, il est convenu que le Gouvernement Belge en poursuivra l'examen avec la sinsère intention d'arriver à un accord le plus tôt possible.

Fait à Bruxelles, en double original, le vingtième jour du mois de Mai mil huit cent soixante trois.

CH. ROGIER.

Ratified.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Brussels on the twenty-fourth of June last:

Proclaimed.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighteenth day of November, in the year of our Lord one thousand eight hundred and [L. S.] sixty-four, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty for the final Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies between the United States of America and Her Britannic Majesty; concluded July 1, 1863; ratified by the United States, March 2, 1864; ratifications exchanged March 5, 1864; proclaimed by the President of the United States, March 5, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

July 1, 1863.

Preamble.

WHEREAS a treaty between the United States of America and her Britannic Majesty, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, was concluded and signed at Washington, by their respective plenipotentiaries, on the first day of July, 1863, which treaty is, word for word, as follows:

Contracting parties

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to provide for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies specified in articles III. and IV. of the treaty concluded between the United States of America and Great Britain, on the 15th of June, 1846, have resolved to conclude a treaty for this purpose, and have named as their Plenipotentiaries, that is to say: the President of the United States of America, William H. Seward, Secretary of State; and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a peer of her United Kingdom, a knight grand cross of her most honorable order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Commissioners to be appointed to examine, &c., claims of Hudson's Bay and Puget's Sound Agricultural Companies.

ARTICLE I. Whereas by the 3d and 4th articles of the treaty concluded at Washington on the 15th day of June, 1846, between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, it was stipulated and agreed that in the future appropriation of the territory south of the 49th parallel of north latitude, as provided in the first article of the said treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, should be respected, and that the farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, should be confirmed to the said company; but that in case the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or of any part thereof, the property so required should be transferred to the said government at a proper valuation, to be agreed upon between the parties:

And whereas it is desirable that all questions between the United States authorities on the one hand, and the Hudson's Bay and Puget's Sound Agricultural Companies on the other, with respect to the possessory rights and claims of those companies, and of any other British subjects in Oregon and Washington Territory, should be settled by the transfer of

those rights and claims to the government of the United States for an adequate money consideration:

It is hereby agreed that the United States of America and her Britannic Majesty shall, within twelve months after the exchange of the ratifications of the present treaty, appoint each a commissioner for the purpose of examining and deciding upon all claims arising out of the provisions of the above-quoted articles of the treaty of June 15, 1846.

Commissioners to meet where, and how to be qualified;

ARTICLE II. The commissioners mentioned in the preceding article shall, at the earliest convenient period after they shall have been respectively named, meet at the city of Washington, in the District of Columbia, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, all the matters referred to them for their decision, and such declaration shall be entered on the record of their proceedings.

to name an umpire.

The commissioners shall then proceed to name an arbitrator or umpire to decide upon any case or cases on which they may differ in opinion; and if they cannot agree in the selection, the said arbitrator or umpire shall be appointed by the King of Italy, whom the two high contracting parties shall invite to make such appointment, and whose selection shall be conclusive on both parties.

If they do not agree, King of Italy to appoint one.

Umpire to be qualified.

The person so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the commissioners, which declaration shall also be entered on the record of the proceedings.

Vacancy in office of umpire, how filled.

In the event of the death, absence, or incapacity of such person, or of his omitting or declining or ceasing to act as such arbitrator or umpire, another person shall be named, in the manner aforesaid, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

Decision of commissioners, &c., to be final.

The United States of America and her Britannic Majesty engage to consider the decision of the two commissioners conjointly, or of the arbitrator or umpire, as the case may be, as final and conclusive on the matters to be referred to their decision, and forthwith to give full effect to the same.

Records of proceedings to be kept.

ARTICLE III. The commissioners and the arbitrator or umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such clerk or clerks or other persons as they shall find necessary to assist them in the transaction of the business which may come before them.

Clerks.

Salaries.

The salaries of the commissioners and of the clerk or clerks shall be paid by their respective governments. The salary of the arbitrator or umpire and the contingent expenses shall be defrayed in equal moieties by the two governments.

Awards of commissioners to be paid in instalments.

ARTICLE IV. All sums of money which may be awarded by the commissioners, or by the arbitrator or umpire, on account of any claim, shall be paid by the one government to the other in two equal annual instalments, whereof the first shall be paid within twelve months after the date of the award, and the second within twenty-four months after the date of the award, without interest, and without any deduction whatever.

Ratifications, when and where to be exchanged.

ARTICLE V. The present treaty shall be ratified, and the mutual exchange of ratifications shall take place in Washington, in twelve months from the date hereof, or earlier, if possible.

Signature.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, the first day of July, anno Domini one thousand eight hundred and sixty-three.

WILLIAM H. SEWARD. [L. S.]
LYONS. [L. S.]

Exchange of ratifications.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the second instant, by William H. Seward, Secretary of State of the United States, and the Right Honorable Lord Lyons, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, on the part of their respective governments:

Proclaimed by the President.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington, this fifth day of March, in the year of our Lord one thousand eight hundred and [L. S.] sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and his Majesty the King of the Belgians; Extinguishment of the Scheldt dues; Dated at Brussels, July 20, 1863; Ratified, March 5, 1864; Exchanged, June 24, 1864; Proclaimed by the President, November 18, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 20, 1863.

A PROCLAMATION.

Preamble.

WHEREAS a treaty between the United States of America and his Majesty the King of the Belgians, for the extinguishment of the Scheldt dues, was concluded and signed by their respective plenipotentiaries, at Brussels, on the twentieth day of July, eighteen hundred and sixty-three, which treaty, being in the English and French languages, is word for word as follows: —

Contracting parties.

The United States of America and his Majesty the King of the Belgians, equally desirous of liberating forever the navigation of the Scheldt from the dues which encumber it, to assure the reformation of the maritime taxes levied in Belgium, and to facilitate thereby the development of trade and navigation, have resolved to conclude a treaty to complete the convention signed on the 20th of May, 1863, between the United States and Belgium, and have appointed as their plenipotentiaries, namely: The President of the United States of America, Henry Shelton Sanford, a citizen of the United States, their minister resident to his Majesty the King of the Belgians; and his Majesty the King of the Belgians, Mr. Charles Rogier, grand officer of the Order of Leopold, decorated with the iron cross, &c., &c., &c., his minister of foreign affairs; who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following articles: —

Les Etats-Unis d'Amérique et sa Majesté le Roi des Belges également animés du désir de libérer à jamais la navigation de l'Escaut du péage qui la grève, d'assurer la réforme des taxes maritimes perçues en Belgique et de faciliter par là le développement du commerce et de la navigation, ont résolu de conclure un traité complétant la convention signée le vingt Mai mil huit cent soixante trois entre les Etats-Unis et la Belgique, et ont nommé pour leurs plénipotentiaires, savoir: Le Président des Etats-Unis d'Amérique, Henri Shelton Sanford, citoyen des Etats-Unis, leur ministre résident près sa Majesté le Roi des Belges, et sa Majesté le Roi des Belges, le Sieur Charles Rogier, grand officier de l'Ordre de Léopold, décoré de la croix de Fer, &a, &a, &a, son ministre des affaires étrangères; lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants: —

Plenipotentiaries.

ARTICLE I.

Scheldt dues renounced.

The high contracting parties take note of, and record: —

1st. The treaty concluded on the twelfth of May, eighteen hundred

ARTICLE I.

Les hautes parties contractantes prennent acte: —

1° du traité conclu le douze Mai mil huit cent soixante trois entre la

and sixty-three, between Belgium and the Netherlands, which will remain annexed to the present treaty, and by which his Majesty the King of the Netherlands renounces forever the dues established upon navigation in the Scheldt, and its mouths, by the third paragraph of the 9th article of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, and his Majesty the King of the Belgians engages to pay the capital sum of the redemption of those dues, which amount to 17,141,640 florins.

Extinguishment applies to all flags.

2d. The declaration made in the name of his Majesty the King of the Netherlands on the fifteenth of July, eighteen hundred and sixty-three, to the plenipotentiaries of the high contracting parties, that the extinguishment of the Scheldt dues consented to by his said Majesty applies to all flags, that these dues can never be reëstablished under any form whatsoever, and that this suppression shall not affect in any manner the other provisions of the treaty of the nineteenth of April, eighteen hundred and thirty-nine, which declaration shall be considered inserted in the present treaty, to which it shall remain also annexed.

ARTICLE II.

Same subject.

His Majesty the King of the Belgians makes, for what concerns him, the same declaration as that which is mentioned in the second paragraph of the preceding article.

ARTICLE III.

Tonnage dues, pilotage, and local taxes.

It is well understood that the tonnage dues suppressed in Belgium, in conformity with the convention of the twentieth of May, eighteen hundred and sixty-three, cannot be reëstablished, and that the pilotage dues and local taxes reduced under the same convention cannot be again increased.

The tariff of pilotage dues and of local taxes at Antwerp shall be the same for the United States as those which are set down in the protocols of the conference at Brussels.

Belgique et les Pays Bas, qui restera annexé au présent traité et par lequel sa Majesté le Roi des Pays Bas renonce à jamais au péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'art. 9 du traité du 19 Avril, 1839, et sa Majesté le Roi des Belges s'engage à payer le capital de rachat de ce péage, fixé à 17,141,640 florins.

2° de la déclaration faite au nom de sa Majesté le Roi des Pays Bas, le quinze Juillet mil huit cent soixante trois, aux plénipotentiaires des hautes parties contractantes, et portant que la suppression du péage de l'Escaut, consentie par sa dite Majesté, s'applique à tous les pavillons, que ce péage ne pourra être rétabli sous une forme quelconque, et que cette suppression ne portera aucune atteinte aux autres dispositions du traité du dixneuf Avril mil huit cent trente neuf, déclaration qui sera considérée comme insérée au présent traité, auquel elle restera également annexée.

ARTICLE II.

Sa Majesté le Roi des Belges fait, pour ce qui la concerne, la même déclaration que celle qui est mentionnée au paragraphe 2 de l'article précédent.

ARTICLE III.

Il est bien entendu que le droit de tonnage supprimé en Belgique conformément à la convention du vingt Mai mil huit cent soixante trois ne pourra être rétabli, et que les droits de pilotage et les taxes locales réduits d'après la même convention ne pourront être relevés.

Le tarif des droits de pilotage et celui des taxes locales à Anvers seront les mêmes pour les Etats-Unis que ceux qui sont inscrits dans les protocoles de la conférence de Bruxelles.

ARTICLE IV.

In regard to the proportion of the United States in the capital sum of the extinguishment of the Scheldt dues, and the manner, place, and time of the payment thereof, reference is made by the high contracting parties to the convention of the twentieth of May, eighteen hundred and sixty-three.

ARTICLE IV.

Proportion of the United States.

En ce qui concerne la quote-part des Etats-Unis dans le capital de rachat du péage de l'Escaut, ainsi que le mode, le lieu, et l'époque du paiement de cette quote-part, les hautes parties contractantes se réfèrent à la convention du vingt Mai mil huit cent soixante trois.

ARTICLE V.

Execution of this treaty.

The execution of the reciprocal engagements contained in the present treaty is made subordinate, in so far as is necessary, to the formalities and rules established by the constitutional laws of the high contracting parties.

ARTICLE V.

L'exécution des engagements réciproques contenus dans le présent traité est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionelles des hautes parties contractantes.

ARTICLE VI.

Article III. to apply to what States.

It is well understood that the provisions of Article 3 will only be obligatory with respect to the State which has taken part in, or those which shall adhere to, the treaty of this day, the King of the Belgians reserving to himself expressly the right to establish the manner of treatment as to fiscal and customs regulations of vessels belonging to States which shall not be parties to this treaty.

ARTICLE VI.

Il est bien entendu que les dispositions de l'art. 3 ne seront obligatoires qu' à l'égard de l'état qui a pris part ou de ceux qui adhéreront au traité de ce jour, sa Majesté le Roi des Belges se réservant expressément le droit de régler le traitement fiscal et douanier des navires appartenant aux états qui resteront en dehors de ce traité.

ARTICLE VII.

Exchange of ratifications.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at Brussels, with the least possible delay.

In faith whereof, the respective plenipotentiaries have signed the same in duplicate, and affixed thereto their seals.

Date.

Done at Brussels, the twentieth day of July, eighteen hundred and sixty-three.

H. S. SANFORD. [L. S.]

ARTICLE VII.

Le présent traité sera ratifié et les ratifications en seront échangées à Bruxelles, dans le plus court délai possible.

En foi de quoi les plénipotentiaires respectifs l'ont signé en double original et y ont apposé leurs cachets.

Fait à Bruxelles, le vingtième jour du mois de Juillet mil huit cent soixante trois.

CH. ROGIER. [L. S.]

[Translation.]

Treaty between Belgium and the Netherlands.

Treaty of May 12, 1863, *between Belgium and the Netherlands, annexed to the treaty of July* 20, 1863.

Traité du 12 *Mai*, 1863, *entre la Belgique et les Pays Bas, annexé au traité du vingt Juillet*, 1863

His Majesty the King of the Belgians and his Majesty the King of the Netherlands, having come to an agreement upon the conditions of the redemption, by capitalization, of the dues established upon the navigation of the Scheldt, and of its mouths, by paragraph 3 of the 9th article of the treaty of the 19th April, 1839, have resolved to conclude a special treaty on this subject, and have appointed for their plenipotentiaries, namely: —

Sa Majesté le Roi des Belges et sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'étant mis d'accord sur les conditions du rachat, par voie de capitalisation, du péage établi sur la navigation de l'Escaut et de ses embouchures par le § 3 de l'art. 9 du traité du 19 Avril, 1839, ont résolu de conclure un traité spécial à ce sujet et ont nommé pour leurs plénipotentiaires:

Plenipotentiaries.

His Majesty the King of the Belgians, M. Aldephonse Alexander Felix, Baron du Jardin, commander of the Order of Leopold, decorated with the iron cross, commander of the Lion of the Netherlands, chevalier grand cross of the Oaken Crown, grand cross and commander of several other orders, his envoy extraordinary and minister plenipotentiary near to his Majesty the King of the Netherlands:

His Majesty the King of the Netherlands, Messrs. Paul Vander Maesen de Sombreff, chevalier grand cross of the Order of the Nichan Iftihar of Tunis, his minister of foreign affairs, M. Jean Rudolphe Thorbecke, chevalier grand cross of the Order of the Lion of the Netherlands, grand cross of the Order of Leopold of Belgium, and of many other orders, his minister of interior, and M. Gerard Henri Betz, his minister of finance;

Who, after having exchanged their full powers, found in good and due form, have concluded upon the following articles: —

Sa Majesté le Roi des Belges, le Sieur Aldephonse Alexander Felix Baron du Jardin, commandeur de l'Ordre de Léopold, décoré de la Croix de Fer, commandeur du Lion Néerlandais, chevalier grand croix de la Couronne de Chêne, grand croix et commandeur de plusieurs autres ordres, son envoyé extraordinaire et ministre plenipotentiaire près sa Majesté le Roi des Pays Bas:

Sa Majesté le Roi des Pays Bas, Messire Paul Vander Maesen de Sombreff, chevalier grand croix de l'Ordre du Nichan Iftihar de Tunis, son ministre des affaires étrangères; le Sieur Jean Rudolphe Thorbecke, chevalier grand croix de l'Ordre du Lion Néerlandais, grand croix de l'Ordre de Léopold de Belgique et de plusieurs autres ordres, son ministre de l'interieur; et le Sieur Gérard Henri Betz, son ministre des finances;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les articles suivants: —

ARTICLE I.

ARTICLE I.

Scheldt dues renounced.

His Majesty the King of the Netherlands renounces forever, for the sum of 17,140,640 florins of Holland, the dues levied upon the navigation of the Scheldt, and of its mouths, by virtue of paragraph 3 of article 9 of the treaty of 19th April, 1839.

Sa Majesté le Roi des Pays Bas renonce à jamais, moyennant une somme de dix-sept millions cent quarante et un mille six cent quarante florins des Pays Bas, au droit perçu sur la navigation de l'Escaut et de ses embouchures en vertu du § 3 de l'art. 9 du traité du 19 Avril, 1839.

ARTICLE II.

This sum shall be paid to the government of the Netherlands by the Belgian government, at Antwerp, or at Amsterdam, at the choice of the latter, the franc calculated at 47¼ cents of the Netherlands, as follows: —

One third immediately after the exchange of ratifications, and the two other thirds in three equal instalments, payable on the 1st May, 1864, 1st May, 1865, and 1st May, 1866. The Belgian government may anticipate the above-named payments.

ARTICLE III.

From and after the payment of the first instalment of one third, the dues shall cease to be levied by the government of the Netherlands.

The sums not immediately paid shall bear interest at the rate of 4 per cent. per annum in favor of the treasury of the Netherlands.

ARTICLE IV.

It is understood that the capitalization of the dues shall not in any way affect the engagements by which the two States are bound in what concerns the Scheldt by treaties in force.

ARTICLE V.

The pilotage dues now levied on the Scheldt are reduced —

20 per cent. for sailing vessels.

25 per cent. for towed vessels, and

30 per cent. for steam vessels.

It is, moreover, agreed that the pilotage dues on the Scheldt can never be higher than the pilotage dues levied at the mouths of the Meuse.

ARTICLE VI.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague, within four months, or earlier if possible.

In faith whereof, the plenipoten-

ARTICLE II.

Cette somme sera payée au gouvernement Néerlandais par le gouvernement Belge à Anvers ou à Amsterdam, au choix de ce dernier, le franc calculé à 47¼ cents des Pays Bas, savoir: — Payment by Belgium.

Un tiers sitôt après l'échange des ratifications, et les deux autres tiers en trois termes égaux échéant le 1r Mai, 1864, le 1r Mai, 1865, et le 1r Mai, 1866. Il sera loisible au gouvernement Belge d'anticiper les susdites échéances.

ARTICLE III.

A dater du payement du premier tiers, le péage cessera d'être perçu par le gouvernement des Pays Bas. Duties, when to cease to be levied.

Les sommes non immédiatement soldées porteront intérêt à 4 p. c. l'an, au profit du trésor Néerlandais.

ARTICLE IV.

Il est entendu que la capitalisation du péage ne portera aucune atteinte aux engagements qui résultent, pour les deux états des traités en vigueur en ce qui concerne l'Escaut. Treaty engagements not affected.

ARTICLE V.

Les droits de pilotage actuellement perçus sur l'Escaut sont réduits de 20 p. c. pour les navires à voiles; de 25 p. c. pour les navires remorqués; et de 30 p. c. pour le navires à vapeur. Pilotage dues.

Il reste d'ailleurs convenu que les droits de pilotage sur l'Escaut ne pourront jamais être plus élevés que les droits de pilotage perçus aux embouchures de la Meuse.

ARTICLE VI.

Le présent traité sera ratifié et les ratifications en seront échangées à La Haye dans le délai de quatre mois ou plus tôt si faire se peut. Ratification.

En foi de quoi les plénipotenti-

tiaries above named have signed the same and affixed their seals.

Done at the Hague the 12th May, 1863.

BARON DU JARDIN. [L. S.]
P. VANDER MAESEN DE SOMBREFF. [L. S.]
THORBECKE. [L. S.]
BETZ. [L. S.]

aires susdits l'ont signé et y ont apposé leur cachet.

Fait á La Haye le 12 Mai, 1863.

BARON DU JARDIN. [L. S.]
P. VANDER MAESEN DE SOMBREFF. [L. S.]
THORBECKE. [L. S.]
BETZ. [L. S.]

[Translation.]

Protocol.

Protocol of July 15, 1863, *annexed to the treaty of July* 20, 1863.

The plenipotentiaries undersigned, having come together in conference to determine the general treaty relative to the redemption of the Scheldt dues, and having judged it useful, before drawing up this arrangement in due form, to be enlightened with respect to the treaty concluded the 12th of May, 1863, between Belgium and Holland, have resolved, to this end, to invite the minister of the Netherlands to take a place in the conference.

The plenipotentiary of the Netherlands presented himself in response to this invitation, and made the following declaration: —

"The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the King of the Netherlands, declares, in virtue of the special powers which have been delivered to him, that the extinguishment of the Scheldt dues, consented to by his august sovereign in the treaty of the 12th May, applies to all flags; that these dues can never be reëstablished in any form whatsoever; and that this extinguishment shall not affect in any way the other provisions of the treaty of the 19th April, 1839.

"BARON GERICKE D'HERWYNEN.

"Brussels, July 15, 1863."

Note has been taken and record made of this declaration, which shall be inserted in or annexed to the general treaty.

Done at Brussels, the 15th July, 1863.

BARON GERICKE D'HERWYNEN. [L. S.]

Protocole du 15 *Juillet*, 1863, *annexé au traité du* 20 *Juillet*, 1863.

Les plénipotentiaires soussignés s'étant réunis en conférence pour arrêter le traité général relatif au rachat du péage de l'Escaut, et ayant jugé utile, avant de formuler cet arrangement, de s'éclairer sur la portée du trait conclu le 12 Mai, 1863, entre la Belgique et les Pays Bas ont résolu d'inviter le ministre des Pays Bas à prendre place à cet effet dans la conférence.

Le plénipotentiaire des Pays Bas a bien voulu se rendre à cette invitation et a fait la déclaration suivante: —

Le soussigné, envoyé extraordinaire et ministre plénipotentiaire de sa Majesté le Roi des Pays Bas, déclare, en vertu des pouvoirs spéciaux qui lui ont été délivrés, que la suppression du péage de l'Escaut, consentie par son august souverain, dans le traité du 12 Mai, s'applique à tous les pavillons, que ce péage ne pourra être rétabli sous une forme quelconque, et que cette suppression ne portera aucune atteinte aux autres dispositions du traité du 19 Avril, 1839.

Bruxelles, le 15 Juillet, 1863.
BARON GERICKE D'HERWYNEN.

Il a été pris acte de cette déclaration, qui sera insérée ou annexée au traité général.

Fait à Bruxelles, le 15 Juillet, 1863.

BARON GERICKE D'HERWYNEN. [L. S.]

BARON DE HUGEL.	[L. S.]	BARON DE HUGEL.	[L. S.]
J. T. DO AMARAL.	[L. S.]	J. T. DO AMARAL.	[L. S.]
M. CARVALLO.	[L. S.]	M. CARVALLO.	[L. S.]
P. BILLE BRAHE.	[L. S.]	P. BILLE BRAHE.	[L. S.]
D. COELLO DE PORTUGAL.	[L. S.]	D. COELLO DE PORTUGAL.	[L. S.]
H. S. SANFORD.	[L. S.]	H. S. SANFORD.	[L. S.]
MALARET.	[L. S.]	MALARET.	[L. S.]
HOWARD DE WALDEN ET SEAFORD.	[L. S.]	HOWARD DE WALDEN ET SEAFORD.	[L. S.]
VON HODENBERG.	[L. S.]	VON HODENBERG.	[L. S.]
CTE. DE MONTALTO.	[L. S.]	CTE. DE MONTALTO.	[L. S.]
MAN. YRIGOYEN.	[L. S.]	MAN. YRIGOYEN.	[L. S.]
V'TE DE SEISAL.	[L. S.]	V'TE DE SEISAL.	[L. S.]
SAVIGNY.	[L. S.]	SAVIGNY.	[L. S.]
ORLOFF.	[L. S.]	ORLOFF.	[L. S.]
ADALBERT MANSBACH.	[L. S.]	ADALBERT MANSBACH.	[L. S.]
C. MUSURUS.	[L. S.]	C. MUSURUS.	[L. S.]
GEFFEKEN.	[L. S.]	GEFFEKEN.	[L. S.]
CH. ROGIER.	[L. S.]	CH. ROGIER.	[L. S.]
BN. LAMBERMONT.	[L. S.]	BN. LAMBERMONT.	[L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Brussels on the twenty-fourth of June last: — Ratified.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be fulfilled with good faith by the United States and the citizens thereof. Proclaimed.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighteenth day of November, in the year of our Lord one thousand eight hundred and [L. S.] sixty-four, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Northwestern Bands of Shoshonee Indians, concluded at Box Elder, July 30, 1863; *Ratification advised, with Amendments, by the Senate, March* 7, 1864; *Amendments assented to, November* 18, 1864; *Proclaimed by the President of the United States, January* 17, 1865.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: July 30, 1863.

Preamble. WHEREAS a treaty was made and concluded at Box Elder, in the Territory of Utah, on the thirtieth day of July, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty, Commissioner, and Brigadier General P. Edward Connor, on the part of the United States, and the hereinafter named chiefs and warriors of the northwestern bands of Shoshonee Indians, on the part of said bands of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Contracting parties. Articles of agreement made at Box Elder, in Utah Territory, this thirtieth day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by Brigadier-General P. Edward Connor, commanding the military district of Utah, and James Duane Doty, commissioner, and the northwestern bands of the Shoshonee Indians, represented by their chiefs and warriors:

Peace and friendship. ARTICLE I. It is agreed that friendly and amicable relations shall be reëstablished between the bands of the Shoshonee Nation, parties hereto, and the United States; and it is declared that a firm and perpetual peace shall be henceforth maintained between the said bands and the United States.

Treaty of Fort Bridger assented to. ARTICLE II. The treaty concluded at Fort Bridger on the 2nd day of July, 1863, between the United States and the Shoshonee Nation, being read and fully interpreted and explained to the said chiefs and warriors, they do hereby give their full and free assent to all of the provisions of said treaty, and the same are hereby adopted as a part of this agreement, and the same shall be binding upon the parties hereto.

Annuity increased. ARTICLE III. In consideration of the stipulations in the preceding articles, the United States agree to increase the annuity to the Shoshonee nation five thousand dollars, to be paid in the manner provided in said treaty.

Receipt. And the said northwestern bands hereby acknowledge to have received of the United States, at the signing of these articles, provisions and goods to the amount of two thousand dollars, to relieve their immediate necessities, the said bands having been reduced by the war to a state of utter destitution.

Boundary of Pokatello's country. ARTICLE IV. The country claimed by Pokatello for himself and his people is bounded on the west by Raft River and on the east by the Porteneuf Mountains.

Done at Box Elder, this thirtieth day of July, A. D. 1863.

JAMES DUANE DOTY,
Governor and Acting Superintendent of Indian Affairs in Utah Territory.

P. EDW. CONNOR,
Brig.-Genl. U. S. Vols., Comd'g Dist. of Utah.

POKATELLO, his x mark, chief.
TOOMONTSO, his x mark, "

SANPITZ,	his x mark, chief.
TOSOWITZ,	his x mark, "
YAHNOWAY,	his x mark, "
WEERAHSOOP,	his x mark, "
PAHRAGOOSAHD,	his x mark, "
TAHKWETOONAH,	his x mark, "
OMASHEE, (John Pokatello's brother,)	his x mark, "

Witnesses:
ROBT. POLLOCK, Col. 3d Inf'y, C. V.
M. G. LEWIS, Capt. 3d Inf'y, C. V.
S. E. JOCELYN, 1st Lieut. 3d Inf'y, C. V.
JOS. A. GEBONE, *Indian Interpreter.*
JOHN BARNARD, Jr., his x mark, *Special Interpreter.*
WILLIS H. BOOTHE, *Special Interpreter.*
HORACE WHEAT.

Submitted to Senate.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution, with an amendment, in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, *March* 7, 1864.

Ratified with amendment.

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "articles of agreement made at Box Elder, in Utah Territory, the thirtieth day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by Brigadier-General P. Edward Connor, commanding the military district of Utah, and James Duane Doty, Commissioner, and the northwestern bands of the Shoshonee Indians, represented by their chiefs and warriors;" with the following amendment: —

At the end of article 4 insert a new article, as follows:

ARTICLE V. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest: J. W. FORNEY, *Secretary.*

Amendment assented to.

And whereas the foregoing amendment having been fully interpreted and explained to Pokatello, Toomontso, Sanpitz, Tosowitz, Tahkwetoonah, and Omashee, (John,) Pokatello's brother, chiefs and warriors of the northwestern bands of Shoshonee Indians, they did, on the eighteenth day of November, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit: —

Whereas a treaty of peace and friendship, by "Articles of agreement," was made and concluded at Box Elder, in the Territory of Utah, on the thirtieth day [of] July, A. D. 1863, between the United States, represented by their commissioner, James Duane Doty, and Brigadier General P. Edward Connor, and Pokatello and other chiefs and warriors of the Shoshonee nation of Indians, which treaty was ratified by the Senate of the United States with the following amendment: —

"ARTICLE 5. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof."

Now, the said amendment having been, this 18th day of November, A. D. 1864, at a council held with the said chiefs and warriors at Box Elder, under the instructions of the President of the United States, submitted to the said chiefs and warriors for their consideration and acceptance, and the same having been read and fully interpreted to them in their own language, the said chiefs and warriors, for themselves and for the Shoshonee nation, do hereby agree and consent to the said amendment to the said treaty; and do stipulate that the same shall be and is hereby accepted and adopted as one of the articles thereof, and forever binding upon them and their said nation.

Signature.

In witness whereof the said Commissioner and the Superintendent of Indian Affairs in the Territory of Utah, on the part of the United States, and the said chiefs and warriors, on the part of the Shoshonee nation, have hereunto set their hands this eighteenth day of November, A. D. 1864.

JAMES DUANE DOTY, *Commissioner.*
O. H. IRISH, *Supt. Indn. Affairs.*

POKATELLO,	x his mark.
TOOMONTSO,	x his mark.
SANPITZ,	x his mark.
TOSOWITZ,	x his mark.
TAHKWETOONAH,	x his mark.
OMASHEE (John), Pokatello's brother,	x his mark.

Witnesses:
AMOS REED, *Secretary of Utah Ty.*
ALVIN NICHOLS.
D. B. HUNTINGTON, *U. S. Ind. Interpreter.*
WILLIS BOOTHE, *Special Interpreter.*

Proclaimed.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventh of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of January, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians; concluded in Minnesota, October 2, 1863; ratified by the Senate with Amendments, March 1, 1864; amendments assented to, April 12, 1864; proclaimed by the President of the United States, May 5, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: October 2, 1863.

Preamble. WHEREAS a treaty was made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Contracting parties. ARTICLES OF A TREATY made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors.

Perpetual peace and friendship. ARTICLE I. The peace and friendship now existing between the United States and the Red Lake and Pembina bands of Chippewa Indians shall be perpetual.

Lands ceded to the United States. ARTICLE II. The said Red Lake and Pembina bands of Chippewa Indians do hereby cede, sell, and convey to the United States all their right, title, and interest in and to all the lands now owned and claimed by them in the State of Minnesota and in the Territory of Dakota within the following described boundaries, to wit: Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods; thence in a direct line south-westwardly to the head of Thief River; thence down the main channel of said Thief River to its mouth on the Red Lake River; thence in a south-easterly direction, in a direct line towards the head of Wild Rice River, to the point where such line would intersect the north-western boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoshish bands of Chippewa Indians; thence along the said boundary line of the said cession to the mouth of Wild Rice River; thence up the main channel of the Red River to the mouth of the Shayenne; thence up the main channel of the Shayenne River to Poplar Grove; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where such line would intersect the international boundary aforesaid; thence eastwardly along said boundary to the place of beginning.

Boundaries.

Vol. x. p. 1165.

Payment for lands ceded.

ARTICLE III. In consideration of the foregoing cession, the United States agree to pay to the said Red Lake and Pembina bands of Chippewa Indians the following sums, to wit: Twenty thousand dollars per annum for twenty years; the said sum to be distributed among the Chippewa Indians of the said bands in equal amounts per capita, and for this purpose an accurate enumeration and enrollment of the members of the respective bands and families shall be made by the officers of the United States: *Provided*, That so much of this sum as the President of the United States shall direct, not exceeding five thousand dollars per year, may be reserved from the above sum, and applied to agriculture, education, the purchase of goods, powder, lead, &c., for their use, and to such other beneficial purposes, calculated to promote the prosperity and happiness of the said Chippewa Indians, as he may prescribe.

See *Post*, page 49.

Proviso.

Amount reserved.

Amnesty for past offences.

ARTICLE IV. And in further consideration of the foregoing cession, and of their promise to abstain from such acts in future, the United States agree that the said Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offences. And in order to make compensation to the injured parties for the depredations committed by the said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, and to enable them to pay their just debts, the United States agree to appropriate the sum of one hundred thousand dollars; it being understood and agreed that the claims of individuals for damages or debt under this article shall be ascertained and audited, in consultation with the chiefs of said bands, by a commissioner or commissioners appointed by the President of the United States, and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs. Furthermore, the sum of two thousand dollars shall be expended for powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands at the first payment.

See *Post*, p. 50.

Appropriation for former depredations.

Claims, how to be audited.

See Amendment, *Post*, p. 46.

Appropriation for powder, lead, &c.

Appropriation to encourage the adoption of habits of civilized life;

ARTICLE V. To encourage and aid the chiefs of said bands in preserving order and inducing, by their example and advice, the members of their respective bands to adopt the habits and pursuits of civilized life, there shall be paid to each of the said chiefs annually, out of the annuities of the said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agents according to their respective merits. And for the better promotion of the above objects, a further sum of five hundred dollars shall be paid at the first payment to each of the said chiefs to enable him to build for himself a house. Also, the sum of five thousand dollars shall be appropriated by the United States for cutting out a road from Leech Lake to Red Lake.

for road from Leech Lake to Red Lake.

Board of visitors; their appointment, duty, pay.

ARTICLE VI. The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend at all annuity payments of the said Chippewa Indians, to inspect their fields and other improvements, and to report annually thereon on or before the first day of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars a day for the time actually employed, and ten cents per mile for travelling expenses: *Provided*, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

Spirituous liquors prohibited.

ARTICLE VII. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect

throughout the country hereby ceded, until otherwise directed by congress or the President of the United States.

ARTICLE VIII. In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed-blood who is related by blood to the said Chippewas of the said Red Lake or Pembina bands who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of one hundred and sixty acres of land, to be selected at his option, within the limits of the tract of country hereby ceded to the United States, on any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made, and with the laws and regulations of the United States affecting the location and entry of the same.

Grant of 160 acres of land to certain of these Indians.

See amendment, p. 46.

ARTICLE IX. Upon the urgent request of the Indians, parties to this treaty, there shall be set apart from the tract hereby ceded a reservation of (640) six hundred and forty acres near the mouth of Thief River for the chief "Moose Dung," and a like reservation of (640) six hundred and forty acres for the chief "Red Bear," on the north side of Pembina River.

Reservations of 640 acres each for the chiefs Moose Dung and Red Bear.

In witness whereof, the said Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians, have hereunto set their hands, at the Old Crossing of Red Lake River, in the State of Minnesota, this second day of October, in the year of our Lord one thousand eight hundred and sixty-three.

Signature. October 2, 1863.

ALEX. RAMSEY,
ASHLEY C. MORRILL,
Commissioners.

MONS-O-MO, his x mark, Moose Dung, Chief of Red Lake.
KAW-WASH-KE-NE-KAY, his x mark, Crooked Arm, Chief of Red Lake.
ASE-E-NE-WUB, his x mark, Little Rock, Chief of Red Lak[e].
MIS-CO-MUK-QUOH, his x mark, Red Bear, Chief of Pembina.
ASE-ANSE, his x mark, Little Shell, Chief of Pembina.
MIS-CO-CO-NOY-A, his x mark, Red Rob, Warrior of Red Lake.
KA-CHE-UN-ISH-E-NAW-BAY, his x mark, The Big Indian, Warrior of Red Lake.
NEO-KI-ZHICK, his x mark, Four Skies, Warrior of Red Lake.
NEBENE-QUIN-GWA-HAWEGAW, his x mark, Summer Wolverine, Warrior of Pembina.
JOSEPH GORNON, his x mark, Warrior of Pembina.
JOSEPH MONTREUIL, his x mark, Warrior of Pembina.
TEB-ISH-KE-KE-SHIG, his x mark, Warrior of Pembina.
MAY-ZHUE-E-YAUSH, his x mark, Dropping Wind, Head Warrior of Red Lake.
MIN-DU-WAH-WING, his x mark, Berry Hunter, Warrior of Red Lake.
NAW-GAUN-E-GWAN-ABE, his x mark, Leading Feather, Chief of Red Lake.

Signed in presence of —
PAUL H. BEAULIEU, *Special Interpreter.*
PETER ROY, " "
T. A. WARREN, *U. S. Interpreter.*
J. A. WHEELOCK, *Secretary.*
REUBEN OTTMAN, "

GEORGE A. CAMP, Major 8th Regiment Min. Vol.
WILLIAM T. ROCKWOOD,
Capt. Co. K, " "
P. B. DAVY, Capt. Co. L, 1st Regt. Min. M. Rangers.
G. M. DWELLE, 2d Lieut. 3d Minn. Battery.
F. RIEGER, Surgeon 8th Regt. M. Vols.
L. S. KIDDER, 1st Lieut. Co. L, 1st M. M. Rangers.
SAM. B. ABBE.
C. A. KUFFER.
PIERRE x BOTTINEAU.

Ratification with amendments.

March, 1, 1864.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the first day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit: —

IN EXECUTIVE SESSION SENATE OF THE UNITED STATES,
March 1, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a Treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their chiefs, headmen, and warriors," with the following

AMENDMENTS:

Amendments. *Ante*, p. 44.

In article 4, strike out in lines 19, 20, and 21, the following words: "and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs."

At the end of article 4, insert the following: —

Appropriation of $100,000, how to be disposed of.

Provided, That no part of the sum of one hundred thousand dollars shall be appropriated or paid to make compensation for damages or for the payment of any debts owing from said Indians until the said commissioner or commissioners shall report each case, with the proofs thereon, to the Secretary of the Interior, to be submitted to Congress, with his opinion thereon, for its action; and that, after such damages and debts shall have been paid, the residue of said sum shall be added to the annuity funds of said Indians, to be divided equally upon said annuities.

At the end of article 8, insert the following: —

No scrip to issue.

Assignments, patents, &c.

Provided, That no scrip shall be issued under the provisions of this article, and no assignments shall be made of any right, title, or interest at law or in equity until a patent shall issue, and no patent shall be issued until due proof of five years' actual residence and cultivation, as required by the act entitled "An act to secure homesteads on the public domain."

Attest: J. W. FORNEY, *Secretary.*

Amendment. Assented to April 12, 1864.

And whereas the foregoing amendments having been fully interpreted and explained to May-dwa-gua-no-nind, Mons-o-mo, Ase-e-ne-wub, Mis-co-muk-quah, Naw-gon-e-gwo-nabe, Que-we-zance, May-zha-ke-osh, Bwaness, Wa-bon-e-qua-osh, Te-bish-co-ge-shick, Te-besh-co-be-ness, Osh-shay-o-sick, Sa-sa-goh-cum-ick-ish-cum, Kay-tush-ke-wub-e-tung, I-inge-e-gaun-abe, and Que-we-zance-ish, chiefs, headmen, and warriors of the Red Lake and Pembina Bands of Chippewa Indians, they did, in articles

supplementary to this treaty, concluded at the city of Washington, District of Columbia, on the twelfth day of April, one thousand eight hundred and sixty-four, (which articles supplementary have been duly consented to and ratified, and were proclaimed on the twenty-fifth day of April, one thousand eight hundred and sixty-four,) agree and assent to the provisions of this treaty, in an article of the following tenor: —

"ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four."

Proclaimed by the President.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty and amendments thereto.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

May 5, 1864.

Done at the city of Washington, this fifth day of May, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Tabeguache Band of Utah Indians, concluded October 7, 1863; *Ratification advised, with Amendments, by the Senate, March* 25, 1864; *Amendments assented to, October* 8, 1864; *Proclaimed by the President of the United States, December* 14, 1864.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 7, 1863.

Preamble. WHEREAS a treaty was made and concluded at the Tabeguache Agency at Conejos, Colorado Territory, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between John Evans, Michael Steck, Simeon Whiteley, and Lafayette Head, commissioners on the part of the United States, and the hereinafter named chiefs and warriors of the Tabeguache band of Utah Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Contracting parties.

Boundaries of lands, &c. Whereas the Tabeguache band of Utah Indians claim an exclusive right to the following described country as their lands and hunting-grounds within the territory of the United States of America, being bounded and described as follows, to wit: —

"Beginning on the 37th degree of north latitude, at the eastern base of the Sierra Madre Mountains; running thence northerly with the base of the Rocky Mountains to the forty-first parallel of north latitude; thence west with the line of said forty-first parallel of north latitude to its intersection with the summit of the Snowy range northwest of the North Park; thence with the summit of the Snowy range southerly to the Rabbit-Ear Mountains; thence southerly with the summit of said Rabbit-Ear range of mountains, west of the Middle Park, to the Grand River; thence with the said Grand River to its confluence with the Gunnison River; thence with the said Gunnison River to the mouth of the Uncompahgre River; thence with the said Uncompahgre River to its source in the summit of the Snowy range, opposite the source of the Rio Grande del Norte; thence in a right line south to the summit of the Sierra La Plata range of mountains, dividing the waters of the San Juan River from those of the Rio Grande del Norte; thence with the summit of said range southeasterly to the thirty-seventh parallel of north latitude; thence with the line of said parallel of latitude to the place of beginning:"

And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth, the President of the United States of America, by John Evans, Governor of Colorado Territory, and *ex officio* Superintendent of Indian Affairs for the same; Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico; Simeon Whiteley and Lafayette Head, Indian agents, duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabeguache band of Utah Indians, of the other part, have made and entered into the following treaty, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit: —

Authority of the United States admitted.

ARTICLE I. It is admitted by the Tabeguache band of Utah Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them.

Cession of lands.

ARTICLE II. Said Tabeguache band of Utah Indians hereby cede, convey, and relinquish all of their claim, right, title, and interest in and to any and all of their lands within the territory of the United States, wherever situated, excepting that which is included within the following boundaries, viz.: —

Boundary.

Beginning at the mouth of the Uncompahgre River; thence down Gunnison River to its confluence with the Bunkara River; thence up the Bunkara River to the Roaring Fork of the same; thence up the Roaring Fork to its source; thence along the summit of the range dividing the waters of the Arkansas from those of the Gunnison River to its intersection with the range dividing the waters of the San Luis valley from those of the Arkansas River; thence along the summit of said range to the source of the Sandy Creek of the San Luis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of the source of the Uncompahgre River; thence to said source and down the main channel of said Uncompahgre River to its mouth, the place of beginning.

Military posts, &c., may be established on lands not ceded.

ARTICLE III. And it is further agreed that the United States shall have the right to establish one or more military posts, with their needful reservations, upon the lands and hunting-grounds not ceded by the Tabeguache band in this treaty; also the right to locate, construct, and maintain railroads and other roads and highways through the same, and along the routes of United States mail lines, at suitable points, to establish and maintain stations.

Mining.

The right of any citizen of the United States to mine without interference or molestation in any part of the country hereby retained by said Indians, where gold or other metals or minerals may be found, is hereby also conferred and guaranteed. And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited.

Prohibition of other settlement.

Mohuache band of Utahs.

ARTICLE IV. And the said Tabeguache band hereby gives its consent that the Mohuache band of Utah Indians may also be settled with them upon the lands and hunting-grounds reserved in this treaty.

Protection to be given to certain persons.

ARTICLE V. And the said Tabeguache band further agrees to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them.

Redress of injuries.

ARTICLE VI. That the friendship which is now established between the United States and the Tabeguache band of Utah Indians should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done no private revenge or retaliation shall take place, but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the chiefs of said Tabeguache band, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like

Delivery of offenders.

manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Tabeguache band shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the agents or other persons authorized to receive it, that it may be restored to the proper owner. And for such property as any Indian or Indians belonging to said band may have taken from citizens of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proof of the fact. And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Tabeguache band engages, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

Recovery of stolen property.

Deduction from annuities.

Guaranty by the United States.

Surrender of white men.

ARTICLE VII. And the chiefs and warriors as aforesaid promise and engage their band will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Munitions of war.

ARTICLE VIII. For the period of ten years the said band shall receive, annually, by such distribution as the Secretary of the Interior may direct, ten thousand dollars' worth of goods, and also ten thousand dollars' worth of provisions.

Annuity.

ARTICLE IX. For the purpose of improving their breed of horses, the band shall receive five American stallions the first year after the ratification of this treaty.

Horses.

ARTICLE X. Each family that shall announce through its head to the agent of the band a willingness and determination to begin and follow the pursuits of agriculture, by farming or raising stock and growing wool, upon such lands and according to such regulations as the Secretary of the Interior may prescribe, shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits, viz.:

Donations of stock.

Of cattle, one head annually during five years, beginning with the ratification of this treaty.

Of sheep, ten head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life: *Provided, however*, That such stock shall only be donated as long as such family shall in good faith keep and use the same for the purpose indicated in this article.

All the Indians of said band who may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable possession of their said lands and property.

The government also agrees to establish and maintain a blacksmith shop, and employ a competent blacksmith, for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians.

Blacksmith and shop.

In testimony whereof, the said commissioners, as aforesaid, and the said chiefs and warriors of the Tabeguache band of Utah Indians, have hereunto set their hands and seals, at the Tabeguache agency, at Conejos, Col-

Signature.

orado Territory, on this the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three.

JNO. EVANS, [SEAL.]
Gov. C. T., Supt. Ind. Affairs, and Commissioner.
M. STECK, [SEAL.]
Supt. Ind. Affrs. New Mex. and Commissioner.
SIMEON WHITELEY, [SEAL.]
U. S. Agent to the Grand River and Uintah Bands of Utah Indians and Commissioner.
LAFAYETTE HEAD, [SEAL.]
U. S. Ind. Agt. and Commissioner.

UN-COW-RA-GUT, or Red Color,	his x mark.	[SEAL.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark.	[SEAL.]
COLORADO,	his x mark.	[SEAL.]
U-RAY, or Arrow,	his x mark.	[SEAL.]
NO-VA-VE-TU-QUAR-ET, or One that Slides under the Snow.	his x mark.	[SEAL.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark.	[SEAL.]
A-CA-MU-CHE-NE, or Red Wind,	his x mark.	[SEAL.]
MU-CHU-CHOP, or Lock of Hair,	his x mark.	[SEAL.]
SA-PATCH, or White Warm,	his x mark.	[SEAL.]
CINCHE, or Left Hand.		[SEAL.]

Witnesses to the treaty:
JNO. G. NICOLAY, *Secretary to the Commission.*
CHAS. E. PHILLIPS, *Assist. Secretary to Commission.*
J. W. CHROUGHTON, Col. 1st Cav. of Col'do, Comd'g Dist.
SAMUEL F. TAPPAN, Lieut.-Col. 1st Cav. of Colorado.
CHARLES KERBER, Capt. 1st Cavl. of Colorado.
J. P. BENESTEEL, Capt. 1st Cav. of Col.
Interpreters:
JUAN V. VALDES.
BERNARDO SANCHEZ, his x mark.
AMADOR SANCHEZ, his x mark.

Submitted to Senate.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE U. STATES, *March* 25, 1864.

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty concluded on the seventh day of October, eighteen hundred and sixty-three, at Conejos, Colorado Territory, between John Evans, Governor and *ex officio* Superintendent of Indian Affairs of said Territory, Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico, Simeon Whiteley and Lafayette Head, Indian agents, commissioners on the part of the United States, and the chiefs and warriors of the Tabeguache band of Utah Indians," with the following

Amendments.

AMENDMENTS:

Page 1, line 2, of the preamble, after the word "claim" insert: *as against all other Indian tribes.*

Page 3, in lines 37 to 43, inclusive, strike out of the preamble the following words: "And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth."

Page 5, article 2, line 5, after the word "all," strike out the words "of their."

" 5, " 2, line 8, after the word "boundaries," insert: *which are hereby reserved as their hunting-grounds*, viz.:

" 5, " 2, line 18, strike out the word "Arkansas," and insert in lieu thereof: *Gunnison's Fork of the Great Colorado.*

" 5, " 2, strike out from the word "to," in line 20, to the word "the," in line 33, the following words: "the source of the Sandy Creek of the San Louis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of."

" 6, " 2, in line 34, after the word "thence," strike out the word "to" and insert: *from.*

" 6, " 2, after line 36, insert the following words: *Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said Territory from Mexico by the laws thereof.*

" 7, " 3, line 12, strike out the words "the right of."

" 7, " 3, line 13, strike out the word "to," and insert: *may*, in lieu thereof.

" 7, " 3, line 15, strike out the words "retained by," and insert in lieu thereof the words: *reserved to.*

" 7, " 3, after the word "found," in line 16, strike out the following words: "is hereby also conferred and guaranteed. And for all other purposes excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited."

" 9, " 5, line 5, strike out the word "country;" insert in lieu thereof: *reservation.*

" 11, " 6, line 29, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 37, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 45, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 49, after the word "citizen," insert: *or white resident.*

" 15, " 10, line 2, strike out the words "Each family," and after the word "that" in same line insert: *in case the chiefs of said band.*

Page 15, article 10, line 2, after the word "announce," strike out the words "through its head."

" 15, " 10, line 3, after the word "agent," strike out the words "of the band."

" 15, " 10, line 4, after word "determination," insert: *on their part and on the part of their people.*

" 15, " 10, line 5, after the word "follow," strike out the words "the pursuits of agriculture," and insert in lieu thereof: *agricultural or pastoral pursuits.*

" 15, " 10, line 7, after the word "lands," insert: *to be selected and set apart within said reservation.*

" 15, " 10, line 9, before the word "shall," insert: *they.*

" 15, " 10, line 12, after the word "cattle," strike out the word "one," and insert in lieu thereof: *not exceeding one hundred and fifty.*

" 15, " 10, line 15, after the word "sheep," strike out the word "ten," and insert in lieu thereof: *not exceeding one thousand.*

" 15, " 10, line 17, after the word "five," insert: *hundred.*

" 15, " 10, line 24, after the word "such," strike out the word "family;" insert in lieu thereof the word: *chiefs.*

" 15, " 10, at the end of line 26, insert the following words: *And provided, That the amount expended under this article shall not exceed ten thousand dollars annually.*

Attest: J. W. FORNEY, *Secretary*,
By W. HICKEY, *Chief Clerk.*

And whereas the foregoing amendments having been fully interpreted and explained to Un-cow-ra-gut, or Red Color, Sha-wa-she-yet, or Blue Flower, U-ray, or Arrow, Ne-va-ve-tu-quar-et, or One who Slides under the Snow, Colorado, Sa-wa-wat-se-wich, or Blue River, Can-i-yet, Camileon, or Camelion, and Nan-tos, chiefs and warriors of the Tabeguache band of Utah Indians, they did, on the eighth of October, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit:—

Assent to amendments.

We, the undersigned, chiefs and warriors of the Tabeguache band of Utah Indians, with the concurrence of said band, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States on the 25th day of March, A. D. one thousand eight hundred and sixty-four, to the treaty concluded by us with the United States, on the 7th day of October, A. D. one thousand eight hundred and sixty-three, the same having been fully explained to us in full council assembled, by John Evans, commissioner on the part of the United States, appointed for the purpose.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Conejos, Colorado Territory, this 8th day of October, A. D. one thousand eight hundred and sixty-four.

UN-COW-RA-GUT, or Red Color,	his x mark.	[SEAL.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark.	[SEAL.]
U-RAY, or Arrow,	his x mark.	[SEAL.]
NE-VA-VE-TU-QUAR-ET, or One who Slides under the Snow,	his x mark.	[SEAL.]
COLORADO,	his x mark.	[SEAL.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark.	[SEAL.]
CAN-I-YET,	his x mark.	[SEAL.]
CAMILEON, or Camelion,	his x mark.	[SEAL.]
NAN-TOS,	his x mark.	[SEAL.]

Witnesses:
JNO. EVANS, *Com'r.*
LAFAYETTE HEAD, U. S. *Ind. Agt.*
SIMEON WHITELEY, U. S. *Indian Agt.*
L. B. MCLAIN, Interpreter.
his
MARTIN x RODRIGES, Interpreter.
mark.
CHARLES KERBER, Captn. Cavl. of Colorado.
GEO. H. STILWELL, Adjt. 1st Cav. of Col.
A. E. B. SOPRIS, Lt. 3d Regt. Col. Cavalry.
A. SAYENDORF.
WM. J. GODFROY.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the 25th of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty with the amendments as aforesaid. Ratified.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed. Proclaimed.

Done at the city of Washington, this fourteenth day of December, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

[SEAL.]

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Shoshonee-Goship Bands of Indians, concluded at Tuilla Valley, October 12, 1863; *Ratification advised, with Amendment, by the Senate, March* 7, 1864; *Amendment assented to, November* 24, 1864; *Proclaimed by the President of the United States, January* 17, 1865.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: October 12, 1863.

Preamble.

WHEREAS a treaty was made and concluded at Tuilla Valley, in the Territory of Utah, on the twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty and P. Edward Connor, Commissioners, on the part of the United States, and the hereinafter-named chiefs, principal men, and warriors of the Shoshonee-Goship bands of Indians, on the part of said bands of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Contracting parties.

Treaty of peace and friendship made at Tuilla Valley, in the Territory of Utah, this twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by the undersigned, Commissioners, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors, as follows:

Peace and friendship.

ARTICLE I. Peace and friendship is hereby established and shall be hereafter maintained between the Shoshonee-Goship bands of Indians and the citizens and government of the United States; and the said bands stipulate and agree that hostilities and all depredations upon the emigrant trains, the mail and telegraph lines, and upon the citizens of the United States, within their country, shall cease.

Routes through their country to be free and peaceful.

ARTICLE II. It is further stipulated by said bands that the several routes of travel through their country now or hereafter used by white men shall be forever free and unobstructed by them, for the use of the government of the United States, and of all emigrants and travellers within it under its authority and protection, without molestation or injury from them. And if depredations are at any time committed by bad men of their own or other tribes within their country, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences may deserve; and the safety of all travellers passing peaceably over either of said routes is hereby guaranteed by said bands.

Surrender of offenders.

Military posts and station-houses.

Military posts may be established by the President of the United States along said routes, or elsewhere in their country; and station-houses may be erected and occupied at such points as may be necessary for the comfort and convenience of travellers, or for the use of the mail or telegraph companies.

Telegraph and overland stage lines.

ARTICLE III. The telegraph and overland stage lines having been established and operated by companies under the authority of the United States through the country occupied by said bands, it is expressly agreed that the same may be continued without hindrance, molestation, or injury

from the people of said bands, and that their property, and the lives and property of passengers in the stages, and of the employees of the respective companies, shall be protected by them.

Railway and branches.

And further, it being understood that provision has been made by the government of the United States for the construction of a railway from the plains west to the Pacific Ocean, it is stipulated by said bands that the said railway or its branches may be located, constructed, and operated, and without molestation from them, through any portion of the country claimed or occupied by them.

Mines, mills, and ranchos.

ARTICLE IV. It is further agreed by the parties hereto that the country of the Goship tribe may be explored and prospected for gold and silver, or other minerals and metals; and when mines are discovered they may be worked, and mining and agricultural settlements formed and ranchos established wherever they may be required. Mills may be erected and

Timber.

timber taken for their use, as also for building and other purposes, in any part of said country.

Boundaries.

ARTICLE V. It is understood that the boundaries of the country claimed and occupied by the Goship tribe, as defined and described by said bands, are as follows: On the north by the middle of the Great Desert; on the west by Steptoe Valley; on the south by Tooedoe, or Green Mountains; and on the east by Great Salt Lake, Tuilla and Rush valleys.

Reservations.

ARTICLE VI. The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become settled as herdsmen or agriculturists, he is hereby authorized to make such reservations for their use as he may deem necessary; and they do also agree to remove their camps to such

Residence thereon.

reservations as he may indicate, and to reside and remain thereon.

Annuities.

ARTICLE VII. The United States being aware of the inconvenience resulting to the Indians, in consequence of the driving away and destruction of game along the routes travelled by white men, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same. Therefore, and in consideration of the preceding stipulations, and of their faithful observance by said bands, the United States promise and agree to pay to the said Goship tribe, or to the said bands, parties hereto, at the option of the President of the United States, annually, for the term of twenty years, the sum of one thousand dollars,

Cattle.

in such articles, including cattle for herding or other purposes, as the President shall deem suitable for their wants and condition either as hunters or herdsmen. And the said bands, for themselves and for their tribe,

Receipt.

hereby acknowledge the reception of the said stipulated annuities as a full compensation and equivalent for the loss of game and the rights and privileges hereby conceded; and also one thousand dollars in provisions and goods at and before the signing of this treaty.

JAMES DUANE DOTY, *Commissioner.*
P. EDW. CONNOR,
Brig.-Genl. U. S. Vols., Comd'g Dist. of Utah.

TABBY, his x mark.
ADASEIM, his x mark.
TINTSA-PA-GIN, his x mark.
HARRAY-NUP, his x mark.

Witnesses:—
AMOS REED.
CHAS. H. HEMPSTEAD, *Capt. and Chief Commissary Dist. of Utah.*
WILLIAM LEE, *Interpreter.*
JOS. A. GEBON, *Interpreter.*

Submitted to the Senate.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the

seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution, with an amendment, in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, *March* 7, 1864.

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty of peace and friendship, made at Tuilla Valley, in the Territory of Utah, *this* [the] twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their commissioners, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors," with the following Amendment.

AMENDMENT.

At the end of article 7, insert a new article, as follows: —

ARTICLE VIII. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest: J. W. FORNEY, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to Tabby, Adaseim, Tintsa-pa-gin, and Dick Moni, chiefs, principal men, and warriors of the Shoshonee-Goship bands of Indians, they did, on the twenty-fourth day of November, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit: — Amendment assented to.

Whereas a treaty of peace and friendship was made and concluded at Tuilla Valley, in the Territory of Utah, on the 12th day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their Commissioner, James Duane Doty, and Brigadier-General P. Edward Connor, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors; which treaty was ratified by the Senate of the United States on the 7th day of March, 1864, with the following amendment: —

"Article VIII. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof:"

Now, the said amendment having been, this 24th day of November, A. D. 1864, at a council held with the said chiefs, principal men, and warriors, at Tuilla Valley, under the instructions of the President of the United States, submitted to the said chiefs, principal men, and warriors, for their consideration and acceptance, and the same having been read, and fully interpreted to them in their own language, the said chiefs, and principal men, and warriors, for themselves and for the Shoshonee-Goship bands of Indians, do hereby agree and consent to the said amendment to the said treaty; and do stipulate that the same shall be and hereby is accepted and adopted as one of the articles thereof, and forever binding upon them and their said nation.

In witness whereof the said Commissioner and the Superintendent of Indian Affairs in the Territory of Utah, on the part of the United States, and the said chiefs, principal men, and warriors, on the part of the Sho- Signatures.

shonee-Goship bands of Indians, have hereunto set their hands this twenty-fourth day of November, A. D. one thousand eight hundred and sixty-four.

JAMES DUANE DOTY, *Commissioner.*
O. H. IRISH, *Supt. Indian Affairs.*

TABBY,	his x mark.
ADASEIM,	his x mark.
TINTSA-PA-GIN,	his x mark.
DICK MONI,	his x mark.

Witnesses:—
AMOS REED, *Secretary of Utah Territory.*
D. B. HUNTINGTON, *U. S. Interpreter.*
WILLIAM LEE, *Special Interpreter.*

Proclaimed.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventh of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of January, in the year of our Lord one thousand eight hundred and sixty-
[SEAL.] five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

Convention between the United States of America and the United States of Colombia; Dated at Washington, February 10, 1864; *Ratified by the President of the United States of America, July* 9, 1864; *Exchanged at Washington, August* 19, 1865; *Proclaimed by the President of the United States of America, August* 19, 1865.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Feb. 10, 1864.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the United States of Colombia was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four, supplemental to that of the tenth of September, eighteen hundred and fifty-seven, which convention, being in the English and Spanish languages, is, word for word, as follows: — Preamble.

Whereas a convention for the adjustment of claims was concluded between the United States of America and the Republic of New Granada, in the city of Washington, on the 10th September, 1857, which convention, as afterwards amended by the contracting parties, was proclaimed by the President of the United States on the 8th November, 1860;

And whereas the joint commission organized under the authority conferred by the preceding mentioned convention did fail, by reason of uncontrollable circumstances, to decide all the claims laid before them under its provisions, within the time to which their proceedings were limited by the 4th article thereof;

The United States of America and the United States of Colombia — the latter representing the late Republic of New Granada — are desirous that the time originally fixed for the duration of the commission should be so extended as to admit the examination and adjustment of such claims as were presented to, but not settled by, the joint commission aforesaid, and to this end have named plenipotentiaries to agree upon the best mode

Por cuanto una convencion para el arreglo de reclamaciones se celebró entre la República de la Nueva Granada i los Estados Unidos de América, en la ciudad de Washington, el 10 de Setiembre, de 1857, cuya convencion, como se enmendó despues por las partes contratantes, fué proclamada por el Presidente de los Estados Unidos el 8 de Noviembre de 1860; Contracting parties.

I por cuanto la comision mixta organizada de acuerdo con la autorizacion conferido por la convencion ya mencionada, dejó de decidir, por circunstancias insuperables, las reclamaciones que se le presentaron segun sus disposiciones, dentro del término á que sus procedimientos estaban limitados por él artículo 4° de la misma;

I por cuanto los Estados Unidos de Colombia, que representan la estinguida República de la Nueva Granada, i los Estados Unidos de América, desean que se estienda el tiempo que se fijo originalmente para la duracion de la comision, para que pueda admitir el exámen i la decision de aquellas reclamaciones que se presentaron á la comision mixta ya mencionada, pero que no feuron decididas par ella, han nombrado con este objeto plenipotenciarios para que Plenipotentiaries.

of accomplishing this object — that is to say, the President of the United States of America, William H. Seward, Secretary of State of the United States of America, and the President of the United States of Colombia, Señor Manuel Murillo, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia;

Who, having exchanged their full powers, have agreed as follows: —

convengan en el mejor medio de llevarlo á cabo, á saber, el Presidente de los Estados Unidos de Colombia al Señor Manuel Murillo, Enviado Estraordinario i Ministro Plenipotenciario de los Estados Unidos de Colombia, i el Presidente de los Estados Unidos de América á William H. Seward, Secretario de Estado de los Estados Unidos de América;

Quienes, despues de cambiar sus plenos poderes, han convenido en lo siguiente: —

ARTICLE I.

Time for termination of commission extended.

The high contracting parties agree that the time limited in the convention above referred to for the termination of the commission shall be extended for a period not exceeding nine months from the exchange of ratifications of this convention, it being agreed that nothing in this article contained shall in any other wise alter the provisions of the convention above referred to; and that the contracting parties shall appoint commissioners anew, and an umpire shall be chosen anew, in the manner, and with the duties and powers respectively expressed in the said former convention.

Commissioners.

Umpire.

ARTICULO I°.

Las altas partes contratantes convienen en que el tiempo limitado en la convencion ya mencionada para la terminacion de la comision, se estienda por un periodo que no sea mayor de nueve meses, contados desde el canje de las ratificaciones de esta convencion, bien entendido que nada de lo contenido en este artículo de ninguna manera altera las disposiciones de la convencion ya mencionada; i que las partes contratantes nombrarán de nuevo comisionados, i un arbitro se elejirá tambien de nuevo, en los términos, i con los deberes i los poderes que se espresan respectivamente en dicha convencion anterior.

ARTICLE II.

Ratifications, when to be exchanged.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

Signatures.

In witness whereof the respective plenipotentiaries have signed the same, and have hereunto affixed their seals.

Done at Washington this tenth day of February, in the year of our Lord one thousand eight hundred and sixty-four.

WM. H. SEWARD. [L. S.]
M. MURILLO. [L. S.]

ARTICULO II°.

La presente convencion será ratificada, i las ratificaciones serán canjeadas en Washington tan pronto como sea posible.

En testimonio de lo cual, los respectivos plenipotenciarios hemos firmado esta convencion, i sellado con nuestros sellos.

Hecha en Washington, el décimo dia de Febrero del año del Señor mil ochocientos sesenta i cuatro.

M. MURILLO. [L. S.]
WM. H. SEWARD. [L. S.]

Ratifications exchanged.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on this day, by William Hunter, Acting Secretary of State of the United States, and Eustorjio Salgar, Envoy Extraordinary and Minister Plenipotentiary of the United States of Colombia, on the part of their respective governments:

Now, therefore, be it known, that I, ANDREW JOHNSON, Presi-

dent of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States of America and the citizens thereof. Proclaimed.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States of America to be affixed.

Done at the city of Washington, this nineteenth day of August, in the year of our Lord one thousand eight hundred and sixty-five, [L. S.] and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President
WILLIAM H. SEWARD, *Secretary of State.*

Supplementary Articles to the Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians, concluded at Washington, April 12, 1864; ratified by the Senate April 21, 1864; proclaimed by the President of the United States April 25, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: April 12, 1864.

Preamble.

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twelfth day of April, in the year of our Lord one thousand eight hundred and sixty-four, by and between Clark W. Thompson and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Warriors of the Red Lake and Pembina bands of Chippewa Indians, on behalf of and duly authorized thereto by said bands, which treaty is in the words and figures following, to wit: —

Supplementary articles.

ARTICLES SUPPLEMENTARY to the treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina bands of Chippewa Indians, by their chiefs, headmen, and warriors, concluded at the city of Washington, District of Columbia, on the twelfth day of April, in the year eighteen hundred and sixty-four, between the United States, by the said commissioners, of the one part, and the said bands of Chippewa Indians, by their chiefs, headmen, and warriors, of the other part.

Contracting parties.

Assent to treaty of October 2, 1863, as amended.

ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.

Payment in lieu of annuity by former treaty.

ARTICLE II. In consideration of the cession made by said treaty, concluded at the Old Crossing of Red Lake River, and in lieu of the annuity payment provided for by the third article of said last-mentioned treaty, the United States will pay annually, during the pleasure of the President of the United States, to the Red Lake band of Chippewas the sum of ten thousand dollars, and to the Pembina band of Chippewas the sum of five thousand dollars, which said sums shall be distributed to the members of said bands, respectively, in equal amounts per capita, for which purpose an accurate enumeration and enrollment of the members of the respective bands shall be made by the officers of the United States.

Ante, p. 44.

Annual expenditures for blankets, provisions, &c.

ARTICLE III. The United States will also expend annually, for the period of fifteen years, for the Red Lake band of Chippewas, for the purpose of supplying them with gilling twine, cotton mater, calico, linsey,

blankets, sheeting, flannels, provisions, farming-tools, and for such other useful articles, and for such other useful purposes as may be deemed for their best interests, the sum of eight thousand dollars; and will expend in like manner, and for a like period, and for like purposes, for the Pembina band of Chippewas, the sum of four thousand dollars.

Blacksmith, physician, miller, farmer, iron, steel, &c.

ARTICLE IV. The United States also agree to furnish said bands of Indians, for the period of fifteen years, one blacksmith, one physician, one miller, and one farmer; and will also furnish them annually, during the same period, with fifteen hundred dollars' worth of iron, steel, and other articles for blacksmithing purposes, and one thousand dollars for carpentering, and other purposes.

Saw-mill and millstones.

ARTICLE V. The United States also agree to furnish for said Indians at some suitable point, to be determined by the Secretary of the Interior, a saw-mill with a run of millstones attached.

Modification of article iv. of former treaty.

ARTICLE VI. It is further agreed, by and between the parties hereto, that article four of the said treaty, concluded at the Old Crossing of Red Lake River, and the amendment to said article, shall be modified as follows: that is to say, twenty-five thousand dollars of the amount thereby stipulated shall be paid to the chiefs of said bands, through their agent, upon the ratification of these articles, or so soon thereafter as practicable, to enable them to purchase provisions and clothing, presents to be distributed to their people upon their return to their homes; of which amount five thousand dollars shall be expended for the benefit of their chief, May-dwa-gwa-no-nind; and that from the remaining seventy-five thousand dollars the claims of injured parties for depredations committed by said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, shall have priority of payment, and be paid in full, and the remainder thereof shall be paid pro rata upon the debts of said tribe incurred since the first day of January, in the year eighteen hundred and fifty-nine, to be ascertained by their agent in connection with the chiefs, in lieu of the commissioner or commissioners provided for in the fourth article of said treaty concluded at the Old Crossing of Red Lake River.

Scrip to issue to mixed bloods in lieu of lands.

Ante, p. 44.

ARTICLE VII. It is further agreed by the parties hereto, that, in lieu of the lands provided for the mixed bloods by article eight of said treaty concluded at the Old Crossing of Red Lake River, scrip shall be issued to such of said mixed bloods as shall so elect, which shall entitle the holder to a like amount of land, and may be located upon any of the lands ceded by said treaty, but not elsewhere, and shall be accepted by said mixed bloods in lieu of all future claims for annuities.

Signature.

In testimony whereof, the said commissioners, on behalf of the United States, and the said chiefs, headmen, and war[r]iors, on behalf of the Red Lake and Pembina bands of Chippewa Indians, have hereunto affixed their hands and seals this twelfth day of April, in the year eighteen hundred and sixty-four.

April 12, 1864.

CLARK W. THOMPSON, [SEAL.]
ASHLEY C. MORRILL, [SEAL.]
Commissioners.

Principal Red Lake chief, MAY-DWA-GUA-NO-NIND, (He that is spoken to,) his x mark. [SEAL.]
Red Lake chief, MONS-O-MO, (Moose-dung,) his x mark. [SEAL.]
Red Lake chief ASE-E-NE-WUB, (Little Rock,) his x mark. [SEAL.]
Principal Pembina chief, MIS-CO-MUK-QUAH, (Red Bear,) his x mark. [SEAL.]

Red Lake headman, NAW-GON-E-GWO-NABE, (Leading Feather,) his x mark. [SEAL.]
Red Lake war[r]ior, QUE-WE-ZANCE, (The Boy,) his x mark. [SEAL.]
Red Lake headman, MAY-ZHA-KE-OSH, (Dropping Wind,) his x mark. [SEAL.]
Red Lake headman, BWA-NESS, (Little Shoe,) his x mark. [SEAL.]
Red Lake headman, WA-BON-E-QUA-OSH, (White Hair,) his x mark. [SEAL.]
Pembina headman, TE-BISH-CO-GE-SHICK, (Equal Sky,) his x mark. [SEAL.]
Red Lake warrior, TE-BESH-CO-BE-NESS, (Straight Bird,) his x mark. [SEAL.]
Red Lake warrior, OSH-SHAY-O-SICK, (no interpretation,) his x mark. [SEAL.]
Red Lake warrior, SA-SA-GOH-CUM-ICK-ISH-CUM, (He that makes the ground tremble,) his x mark. [SEAL.]
Red Lake warrior, KAY-TUSH-KE-WUB-E-TUNG, (no interpretation,) his x mark. [SEAL.]
Pembina warrior, I-INGE-E-GAUN-ABE, (Wants Feathers,) his x mark. [SEAL.]
Red Lake warrior, QUE-WE-ZANCE-ISH, (Bad Boy,) his x mark. [SEAL.]

Signed in presence of —

P. H. BEAULIEU, *Special Interpreter.*
J. G. MORRISON, " "
PETER ROY, " "
T. A. WARREN, *U. S. Interpreter.*
CHAS. E. GARDELL.
CHARLES BOTTENEAU.

Ratification, April 21, 1864.

And, whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-first day of April, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, *April* 21, 1864.

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of "The articles supplementary to the treaty made and concluded at the Old Crossing of the Red Lake River, in the State of Minnesota, on the 2d day of October, in the year 1863, between the United States of America, by their commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina bands of Chippewa Indians, by their chiefs, headmen, and warriors, concluded at the city of Washington, District of Columbia, on the 12th day of April, in the year 1864, between the United States, by the said commissioners, of the one part, and the said bands of Chippewa Indians, by their chiefs, headmen, and warriors, of the other part."

Attest: J. W. FORNEY, *Secretary.*

Proclaimed by the President, April 25, 1864.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-first of April, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this twenty-fifth day of April, [L. S.] in the year of our Lord one thousand eight hundred and sixty-four.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Chippewas of the Mississippi and Pillager and Lake Winnebagoshish Bands of Chippewa Indians in Minnesota, concluded May 7, 1864; Ratification advised, with an Amendment, by the Senate, February 9, 1865; Amendment assented to, February 14, 1865; Proclaimed by the President of the United States, March 20, 1865.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: May 7, 1864.

Preamble.

WHEREAS a treaty was made and concluded at the City of Washington, in the District of Columbia, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-four, by and between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief Que-we-zance, or Hole-in-the-day, and Mis-qua-dace, or Turtle, on the part of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota, and duly authorized thereto by them, which treaty is in the words and figures following, to wit: —

Contracting parties.

Articles of agreement and convention made and concluded at the City of Washington this seventh day of May, A. D. 1864, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief Hole-in-the-day, and Mis-qua-dace, for and on behalf of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota.

Gull lake and other reservations ceded to the United States, except, &c.

Vol. x. p. 1166.

Grant to John Johnson.

Hole-in-the-day.

Mis-qua-dace.

Shaw-vosh-kung.

ARTICLE I. The reservations known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake, and Rice Lake, as described in the second clause of the second article of the treaty with the Chippewas of the twenty-second of February, 1855, are hereby ceded to the United States, excepting one half-section of land, including the mission buildings at Gull Lake, which is hereby granted in fee simple to the Reverend John Johnson, missionary, and one section of land, to be located by the Secretary of the Interior, on the southeast side of Gull Lake, and which is hereby granted in fee simple to the chief Hole-in-the-day, and a section to chief Mis-qua-dace, at Sandy Lake, in like manner, and one section to chief Shaw-vosh-kung, at Mille Lac in like manner.

Reservation for the Chippewas of the Mississippi.

ARTICLE II. In consideration of the foregoing cession, the United States agree to set apart for the future home of the Chippewas of the Mississippi, all the lands embraced within the following described boundaries, excepting the reservations made and described in the third clause of the second article of the said treaty of February 22d, 1855, for the Pillager and Lake Winnebagoshish bands; that is to say, beginning at a point one mile south of the most southerly point of Leach Lake, and running thence in an easterly course to a point one mile south of the most southerly point

Boundaries.

of Goose Lake, thence due east to a point due south from the intersection of the Pokagomin reservation and the Mississippi River, thence on the dividing line between Deer River and lakes and Mashkordens River and lakes, until a point is reached north of the first-named river and lakes; thence in a direct line northwesterly to the outlet of Two Routs Lake, then in a southwesterly direction to Turtle Lake, thence southwesterly to the head water of Rice River, thence northwesterly along the line of the Red Lake reservation to the mouth of Thief River, thence down the centre of the main channel of Red Lake River to a point opposite the mouth of Black River, thence southeasterly in a direct line with the outlet of Rice Lake to a point due west from the place of beginning, thence to the place of beginning.

Annuities to be extended for ten years.

Payments towards settlement for depredations, and to the chiefs.

ARTICLE III. In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree, first, to extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties; second, and to pay towards the settlement of the claims for depredations committed by said Indians in 1862, the sum of twenty thousand dollars; third, to the chiefs of the Chippewas of the Mississippi, ten thousand dollars, to be paid upon the ratification of this treaty; and five thousand dollars to the chief Hole-in-the-day, for depredations committed in burning his house and furniture in 1862.

Payments for clearing, &c., lots in reservation.

See Art. xiv.

ARTICLE IV. The United States further agree to pay seven thousand five hundred ($7,500) dollars for clearing, stumping, grubbing, breaking, and planting, on the reservation hereby set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, at such point or points as the Secretary of the Interior may select, as follows, viz: For the Gull Lake band, seventy (70) acres; for the Mille Lac band, seventy (70) acres; for the Sandy Lake band, fifty (50) acres; for the Pokagomin band, fifty (50) acres; for the Rabbit Lake band, forty (40) acres; for the Rice Lake band, twenty (20) acres; and to expend five thousand dollars ($5,000) in building for the chiefs of said bands one house each, under the direction of the Secretary of the Interior.

Houses for chiefs.

Oxen, ploughs, and agricultural implements to be furnished.

ARTICLE V. The United States agree to furnish to said Indians, parties to this treaty, ten (10) yoke of good steady work oxen, and twenty log chains annually for ten years, provided the Indians shall take proper care of and make proper use of the same; also for the same period annually two hundred (200) grubbing hoes, ten (10) ploughs, ten (10) grindstones, one hundred (100) axes, handled, not to exceed in weight three and one half pounds each, twenty (20) spades, and other farming implements, provided it shall not amount to more than fifteen hundred dollars in one year; also two carpenters, and two blacksmiths, and four farm laborers, and one physician.

Carpenters, blacksmiths, laborers, and physician.

Saw-mill.

ARTICLE VI. The United States further agree to pay annually one thousand dollars ($1000) towards the support of a saw-mill to be built for the common use of the Chippewas of the Mississippi and the Red Lake and Pembina bands of Chippewa Indians, so long as the President of the United States may deem it necessary; and to expend in building a road, bridges, &c., to their new agency seven thousand five hundred dollars ($7,500); and to expend for new agency buildings to be located by the Secretary of the Interior for the common use of the Chippewas of the Mississippi, Red Lake, and Pembina, and Pillager and Lake Winnebagoshish bands of Chippewa Indians, twenty-five thousand dollars ($25,000).

Road, bridges, &c.

Buildings.

Board of visitors to be present at annuity payments, make inspection, and report annually.

ARTICLE VII. There shall be a board of visitors to consist of not less than two nor more than five persons, to be selected from such Christian denomination or denominations as the chiefs in council may designate, whose duty it shall be to be present at all annuity payments to the Indians, whether of goods, moneys, provisions, or other articles, and to inspect the fields, buildings, mills, and other improvements made or to be

made, and to report annually thereon, on or before the first day of November; and also as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation, and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses; provided that no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel. Pay.

ARTICLE VIII. No person shall be recognized as a chief whose band numbers less than fifty persons; and to encourage and aid the said chiefs in preserving order, and inducing by their example and advice the members of their respective bands to adopt the pursuits of civilized life, there shall be paid to each of said chiefs annually out of the annuities of said bands a sum not exceeding one hundred and fifty dollars ($150), to be determined by their agent according to their respective merits. Chiefs with bands of less than fifty not to be recognized. Gratuities.

ARTICLE IX. To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, trader, or other employees shall be employed, appointed, licensed, or permitted to reside within the reservations belonging to the Indians, parties to this treaty, missionaries excepted, who shall not have a family residing with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors; and no person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians, shall receive any benefit from this or any former treaties, and may be expelled from the reservation. Agents, teachers, &c., to have families. Improper persons not to have benefits of treaties.

ARTICLE X. All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the Secretary of the Interior, until otherwise altered or amended, which shall be done whenever the board of visitors, by the requests of the chiefs, may recommend it; provided that no change shall take place oftener than once in two years. Payment of annuities.

ARTICLE XI. Whenever the services of laborers are required upon the reservation, preference shall be given to full or mixed bloods, if they shall be found competent to perform them. Preference given to full or mixed bloods as laborers.

ARTICLE XII. It shall not be obligatory upon the Indians, parties to this treaty, to remove from their present reservations until the United States shall have first complied with the stipulations of Articles IV. and VI. of this treaty, when the United States shall furnish them with all necessary transportation and subsistence to their new homes and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites. Indians not to remove from present reservations, until, &c. See Amendment, p. 88.

ARTICLE XIII. Female members of the family of any government employe[e] residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so. Certain females may be paid as teachers. Proviso.

ARTICLE XIV. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863. Provision for clearing, &c., lands to be in lieu of former provisos. Vol. xii. p. 1249.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-qua-dace, on behalf of Indians parties to this treaty, have here- Signature.

unto set their hands and affixed their seals this seventh day of May, A. D one thousand eight hundred and sixty-four.

W. P. DOLE, *Commr. Ind. Affairs.* [SEAL.]
CLARK W. THOMPSON, *Supt. Ind. Affairs.* [SEAL.]
QUE-ZE-ZANCE, or HOLE-IN-THE-DAY, his x mark. [SEAL.]
MIS-QUA-DACE, or TURTLE, his x mark. [SEAL.]

Signed in presence of
PETER ROY, *Special Interpreter.*
BENJN. THOMPSON.

Ratified by the Senate with amendment.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of February, one thousand eight hundred and sixty-five, advise and consent to the ratification of the same, with an amendment, in the words and figures following, to wit: —

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, }
WASHINGTON, *February* 9, 1865. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington *this* [the] seventh day of *March*, [May,] A. D. 1864, between Wm. P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chief [s], Hole-in-the-day and Mis-qua-dace, for and on behalf of the Chippewas of the Mississippi, Pillager, and Lake Winnebagoshish bands of Chippewa Indians in Minnesota with the following

Amendment.

AMENDMENT.

Add to article twelve the following proviso: —

Provided, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

Attest: J. W. FORNEY, *Secretary.*

Amendment assented to.

And whereas the foregoing amendment having been fully interpreted and explained to Que-we-zance, or Hole-in-the-day, he did, in behalf of the Indians concerned, on the fourteenth day of February, one thousand eight hundred and sixty-five, give his free and voluntary assent to the same, in the words and figures following, to wit: —

WASHINGTON CITY, D. C. }
February 14*th*, 1865. }

The amendment to Article XII. of the foregoing treaty, in the following words, viz: —

"*Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct," having been made at my instance, I, in behalf of the Indians concerned, do hereby assent thereto.

QUE-WE-ZANCE, or HOLE-IN-THE-DAY, his x mark.

Signed in presence of
ASHTON S. H. WHITE,
CHARLES E. MIX,
PAUL H. BEAULIEU, *Interpreter,*
PETER ROY, "

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the ninth of February, one thousand eight hundred and sixty-five, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid. Proclaimed.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this twentieth day of March, in the year of our Lord one thousand eight hundred and sixty-
[SEAL] five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

Treaty between the United States of America and the Republic of Honduras; Concluded at Comayagua, July 4, 1864; Ratified by the President of the United States, March 9, 1865; Ratifications exchanged at Tegucigalpa, May 5, 1865; Proclaimed by the President of the United States, May 30, 1865.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 4, 1864.

A PROCLAMATION.

WHEREAS a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Honduras was concluded and signed by their respective plenipotentiaries at Comayagua, on the fourth day of July, one thousand eight hundred and sixty-four, which treaty, being in the English and Spanish languages, is, word for word, as follows: — Preamble.

Treaty of friendship, commerce, and navigation, between the United States of America and the Republic of Honduras.

Commercial intercourse having been for some time established between the United States and the Republic of Honduras, it seems good for the security as well as the encouragement of such commercial intercourse, and for the maintenance of good understanding between the United States and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a treaty of amity, commerce, and navigation.

For this purpose they have named their respective plenipotentiaries, that is to say:

The President of the United States, Thomas H. Clay, Minister Resident of the United States to the Republic of Honduras;

And his Excellency, the President of the Republic of Honduras, Señor Licenciado Don Manuel Colindres, Minister of Foreign Relations of that Republic;

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following articles: —

Tratado de Amistad, Comercio y Navegacion, entre la República de Honduras y los Estados Unidos de América.

Habiendo tráfico comercial establecido hace algun tiempo, entre la República de Honduras y los Estados Unidos, ha parecido conveniente, para la seguridad, como tambien para el fomento de sus mútuos intereses, y para la conservacion de la buena inteligencia entre la mencionada República y los Estados Unidos, que las relaciones que ahora existen entre ambas partes, sean reconocidas y confirmadas formalmente, por medio de un tratado de amistad, comercio, y navegacion. Contracting parties.

Con esto objeto, han sido nombrados los respectivos plenipotenciarios, á saber:

Por su Excelencia el Presidente de la República de Honduras, el Señor Licenciado Don Manuel Colindres, Ministro de Relaciones Exteriores de dicha República; Plenipotentiaries.

Y por el Presidente de los Estados Unidos, Thomas H. Clay, Ministro Residente de los Estados Unidos en la República de Honduras;

Quienes, despues de haberse comunicado mútuamente sus plenos poderes y halládolos en debida y regular forma, han acordado y concluido los artículos siguientes: —

ARTICLE I.

Peace and amity.

There shall be perpetual amity between the United States and their citizens on the one part, and the government of the Republic of Honduras and its citizens on the other.

ARTICLE II.

Reciprocal freedom of commerce.

There shall be, between all the territories of the United States and the territories of the Republic of Honduras, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty, freely and securely, to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for

Subject to laws.

their commerce; subject, always, to the laws and statutes of the two countries respectively.

Ships of war and post-office packets.

In like manner, the respective ships of war and post-office packets of the two countries shall have liberty, freely and securely, to come to all harbors, rivers, and places to which other foreign ships of war and packets are, or may be permitted to come, to enter into the same, to anchor and to remain there and refit; subject, always, to the laws and statutes of the two countries respectively.

Coasting trade not included.

By the right of entering the places, ports, and rivers mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade, national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III.

Privileges of most favored nation.

It being the intention of the two high contracting parties to bind themselves by the preceding articles, to treat each other on the foot-

ARTICULO I.

Habrá una perpetua amistad entre el gobierno de la República de Honduras y sus ciudadanos por una parte, y los Estados Unidos y sus ciudadanos por otra parte.

ARTICULO II.

Habrá entre los territorios de la República de Honduras y todos los territorios de los Estados Unidos una recíproca libertad de comercio. Los ciudadanos y súbditos de los dos paises, respectivamente, tendrán libertad para ir, libre y seguramente, con sus buques y cargamentos, á todos parages, puertos, y rios en los territorios antedichos, á los cuales se permite ó se permitiere ir á otros estrangeros, entrar en los mismos, y permanecer y residir en cualquiera parte de ellos, respectivamente; tambien para alquilar y ocupar casas y almacenes para los objetos de su comercio; y generalmente los comerciantes y traficantes de cada nacion, respectivamente, gozarán la mas completa proteccion y seguridad para su comercio; estando siempre sujetos á las leyes y estatutos de los dos paises respectivamente.

Del mismo modo, los respectivos buques de guerra y paquetes de correo de los dos paises, tendrán libertad para llegar franca y seguramente á todos los puertos, rios y lugares, á que se permite ó se permitiere llegar buques de guerra y paquetes de correo de otras naciones, entrar en los mismos, anclar y permanecer en ellos, y repararse, sujetos siempre á las leyes y estatutos de los dos paises respectivamente.

Por el derecho de entrar én parages, puertos, y rios de que se hace relacion; en este artículo, no está comprendido el privilegio del comercio de escala y cabotage, que únicamente será permitido á buques nacionales del pais donde se hiciere semejante comercio.

ARTICULO III.

Siendo la intencion de las dos altas partes contratantes, el obligarse por los artículos precedentes á tratarse la una á la otra en los mismos

ing of the most favored nation, it is hereby agreed between them, that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the subjects or citizens of the other high contracting party gratuitously, if the concession in favor of that other nation shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

términos que á la nacion mas favorecida, por el presente, convienen mútuamente en que cualquier favor, privilegio, ó inmunidad, de cualquiera especie que fuere, que en materias de comercio y navegacion haya concedido actualmente ó pueda en adelante conceder, alguna de las partes contratantes á los súbditos ó ciudadanos de otra nacion cualquiera, se hará extensivo á los súbditos ó ciudadanos de la otra alta parte contratante gratuitamente; siempre que la concesion en favor de la otra nacion hubiere sido gratuita; pues siendo condicional, en tal caso por mútuo convenio, se acordará una compensacion equivalente, cuanto sea posible, y proporcionada, asi en el valor como en los resultados.

ARTICLE IV.

No higher nor other duties shall be imposed on the importation into the territories of the United States of any articles being of the growth, produce, or manufacture of the Republic of Honduras, and no higher nor other duties shall be imposed on the importation into the territories of the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the territories of either of the high contracting parties, on the exportation of any articles to the territories of the other, than such as are or may be payable on the exportation of the like articles to any other foreign country nor shall any prohibition be imposed upon the exportation or importation of any articles the growth, produce, or manufacture of the territories of the United States, or of the Republic of Honduras, to or from the said territories of the United States, or to or from the Republic of Honduras, which shall not extend equally to all other nations.

ARTICULO IV.

No se impondrán otros ó mas altos derechos á la importacion en los territorios de la República de Honduras, de cualesquiera artículos del producto natural, producciones, ó manufacturas de los territorios de los Estados Unidos, ni se impondrán otros ó mas altos derechos á la importacion en los territorios de los Estados Unidos de cualesquiera artículos del producto natural, producciones, ó manufacturas de la República de Honduras, que los que se pagan ó pagaren por semejantes artículos, cuando sean producto natural, producciones, ó manufacturas de cualquiera otro pais estrangero; ni se impondrán otros ó mas altos derechos ó impuestos en los territorios de cualquiera de las altas partes contratantes á la exportacion de cualesquiera artículos para los territorios de la otra, que los que se pagan ó pagaren por la exportacion de iguales artículos para cualquiera otro pais estrangero; ni se impondrá prohibicion alguna á la exportacion ó importacion de cualesquiera artículos del producto natural, producciones ó manufacturas de los territorios de la República de Honduras, ó de los territorios de los Estados Unidos para los dichos, ó de los dichos territorios de la República de Honduras; ó para los dichos, ó de los dichos territorios de los Estados Unidos, que no se extiendan igualmente à todas las otras naciones.

Duties on imports.

Duties on exports.

ARTICLE V.

Tonnage, harbor, pilotage, &c., dues.

No higher nor other duties or payments on account of tonnage, of light, or harbor dues, of pilotage, of salvage, in case either of damage or shipwreck, or on account of any other local charges, shall be imposed in any of the ports of the Republic of Honduras, on vessels of the United States, than those payable in the same ports by vessels of Honduras; nor in any of the ports of the United States, on vessels of Honduras, than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

Duties same on imports and exports in vessels of either country.

The same duties shall be paid on the importation into the territories of the Republic of Honduras of any article being of the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in vessels of Honduras or of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being of the growth, produce, or manufacture of the Republic of Honduras, whether such importation shall be made in United States or in Honduras vessels.

Bounties and drawbacks to be the same.

The same dues shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Honduras of any articles being the growth, produce, or manufacture of the territories of the United States, whether such exportations shall be made in vessels of Honduras or of the United States; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles being the growth, produce, or manufacture of the Republic of Honduras to the territories of the United States, whether such exportation shall be made in United States or in Honduras vessels.

ARTICULO V.

No se impondrán otros ni mas altos derechos ni pagos por razon de toneladas, fanal, emolumentos de puerto, práctico, derecho de salvamento, en caso de pérdida ó naufragio, ni por razon de algunas otras cargas locales en ninguno de los puertos de los Estados Unidos, á los buques de Honduras, sinó los que únicamente pagan en los mismos, los buques de los Estados Unidos; ni en los puertos de la República de Honduras se impondrán á los buques de los Estados Unidos, otras cargas que las que, en los mismos puertos, pagan los buques de Honduras.

ARTICULO VI.

Se pagarán los mismos derechos de importacion en los territorios de los Estados Unidos por los artículos de productos naturales, producciones y manufacturas de la República de Honduras, bien sean importados en buques de los Estados Unidos ó en los de Honduras; y los mismos derechos se pagarán por la importacion en los territorios de la República de Honduras, de las manufacturas, efectos y producciones de los territorios de los Estados Unidos, aunque su importacion sea en buques de Honduras ó en los de los Estados Unidos.

Los mismos derechos pagaran y gozarán las mismas franquicias y descuentos concedidos á la exportacion para los territorios de los Estados Unidos, cualesquiera artículos de los productos naturales, producciones, ó manufacturas de la República de Honduras, ya sea que la exportacion se haga en buques de los Estados Unidos ó en los de Honduras; y pagarán los mismos derechos, y se concederán las mismas franquicias y descuentos á la exportacion para la República de Honduras, de cualesquiera artículos de los productos naturales, producciones, ó manufacturas de los territorios de los Estados Unidos, sea que esta exportacion se haga en buques de Honduras ó en los de los Estados Unidos.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty, in all the territories of the Republic of Honduras, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by citizens of Honduras, nor to pay them any other salary or remuneration than such as is paid in like cases by citizens of Honduras, and absolute freedom — in all cases shall be allowed to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Honduras, as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Honduras under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in the said countries, respectively, for the prosecution and defence of their just rights: and they shall be at liberty to employ, in all cases, the advocates, attorneys, or agents of whatever description, whom they may think proper, and they shall enjoy in this respect the same rights and privileges therein as native citizens.

ARTICLE VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, ex-

ARTICULO VII.

Todo comerciante, comandante de buque y otros ciudadanos de la República de Honduras gozarán de libertad completa en todos los territorios de los Estados Unidos, para manejar por sí sus propios negocios, ó para encargar su manejo á quien mejor les parezca, sea corredor, factor, agente, ó intérprete; y no se les obligará á emplear para estos objetos á ninguna otra persona mas que las que se emplean por los ciudadanos de los Estados Unidos, ni estarán obligados á pagarles mas salario ó remuneracion, que la que, en semejantes casos, se paga por ciudadanos de los Estados Unidos; y se concederá libertad absoluta en todos casos al comprador y vendedor, para ajustar y fijar el precio de cualesquiera efectos, mercaderías, y géneros importados ó exportados de la República de Honduras como crean conveniente, conformándose con las leyes y costumbres establecidas en el pais. Los mismos privilegios disfrutarán en los territorios de la Republica de Honduras los ciudadanos de los Estados Unidos y sujetos á las mismas condiciones.

Rights of United States citizens in Honduras;

of citizens of Honduras in the United States.

Los ciudadanos de las altas partes contratantes recibirán y gozarán recíprocamente de completa y perfecta proteccion en sus personas y propedades, y tendrán libre y fácil acceso á los tribunales de justicia en los referidos paises respectivamente para la prosecucion y defensa de sus justos derechos; y estarán en libertad de emplear en todos casos los abogados, procuradores, ó agentes de cualquier clase, que juzguen conveniente; y gozarán en este respecto, los mismos derechos y privilegios que allí disfrutaren los ciudadanos nativos.

Courts of justice equally open.

ARTICULO VIII.

Por lo que toca á la policía de los puertos, á la carga y descarga de buques, la seguridad de las mercancías, bienes y efectos, la sucesion de las propiedades personales por testamento, ó de otro modo, y al derecho de disponer de la propiedad personal, de cualquiera clase ó deno-

Other privileges of citizens of both countries the same.

change, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

Estates of persons deceased.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the consul-general or consul of the nation to which the deceased belonged, or the representative of such consul-general or consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

ARTICLE IX.

Exemption from compulsory military service.

The citizens of the United States residing in the Republic of Honduras, and the citizens of the Republic of Honduras residing in the United States, shall be exempted from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions, and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

ARTICLE X.

Diplomatic agents and consuls.

It shall be free for each of the two high contracting parties to appoint consuls for the protection of trade, to reside in any of the territories of the other party; but before any consul shall act as such, he shall, in the usual form, be approved

minacion, por venta, donacion, permuta, testamento, ó de otro modo cualquiera, asi como tambien á la administracion de justicia, los ciudadanos de las dos altas partes contratantes gozarán, recíprocamente, los mismos privilegios, libertades y derechos, que si fueran ciudadanos nativos, y no se les cargará en ninguno de estos puntos ó casos, mayores impuestos ó derechos que los que pagan, ó en adelante pagaren los ciudadanos nativos, sujetos por supuesto á las leyes y estatutos locales de cada pais respectivamente.

En caso que muriere algun ciudadano de cualquiera de las dos altas partes contratantes, sin haber hecho su última disposicion ó testamento, en cualquiera de los territorios de la otra, el cónsul-general ó el cónsul de la nacion á que pertenecia el difunto, ó en su ausencia, el que representare á dicho cónsul-general ó cónsul tendrá el derecho de nombrar curadores, que se encarguen de la propiedad del difunto, en cuanto las leyes del pais lo permitieren, á beneficio de los legítimos herederos y acreedores del difunto; dando noticia conveniente á las autoridades del pais.

ARTICULO IX.

Los ciudadanos de los Estados Unidos residentes en la República de Honduras, y los ciudadanos de la República de Honduras residentes en los Estados Unidos, estarán exentos de todo servicio militar forzado de cualquier especie, de mar ó de tierra y de todo préstamo forzoso, ó exacciones militares, ó requisiciones; ni serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargos ordinarios, requisiciones, ó impuestos mayores, que los que paguen los ciudadanos nativos de las partes contratantes respectivamente.

ARTICULO X.

Cada una de las dos altas partes contratantes podrá nombrar cónsules, para la proteccion del comercio, que residan en qualquiera de los territorios de la otra parte; pero ántes que ningun cónsul funcione como tal, deberá ser aprobado y ad-

and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of consuls such particular places as they judge fit to be excepted. The diplomatic agents and consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the diplomatic agents and consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the diplomatic agents and consuls of the most favored nation.

mitido en la forma acostumbrada por el gobierno á quien se dirige; y cualquiera de las altas partes contratantes puede exceptuar de la residencia de cónsules aquellos puntos particulares, en que no tengan por conveniente admitirlos. Los agentes diplomáticos y los cónsules de la República de Honduras gozarán en los territorios de los Estados Unidos de todos los privilegios, exenciones é inmunidades concedidas, ó que se concedieren, á los agentes de igual rango de la nacion mas favorecida; y del mismo modo, los agentes diplomáticos y cónsules de los Estados Unidos, en los territorios de la República de Honduras gozarán, conforme á la mas exacta reciprocidad, todos los privilegios, exenciones é inmunidades que se conceden, ó en adelante se concedieren, á los agentes diplomáticos y cónsules de la nacion mas favorecida, en la República de Honduras.

Residence.

ARTICLE XI.

For the better security of commerce between the citizens of the United States and the citizens of the Republic of Honduras, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture should unfortunately take place between the two high contracting parties, the citizens of either of the two high contracting parties who may be within any of the territories of the other, shall, if residing upon the coast, be allowed six months, and, if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe conduct shall be given them to embark at the port which they themselves shall select; and even in the event of a rupture, all such citizens of either of the two high contracting parties who are established in any of the territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining, and of continuing such trade and employment therein without any manner of interruption, in the full enjoyment of their liberty and property as long as they behave peaceably,

ARTICULO XI.

Para mayor seguridad del comercio entre los ciudadanos de los Estados Unidos y los ciudadanos de la República de Honduras, se estipula que si en algun tiempo ocurriere desgraciadamente una interrupcion en las relaciones amistosas, y se efectuare, un rompimiento entre las dos altas partes contratantes, se concederán á los ciudadanos de cualquiera de las dos altas partes contratantes, que estén dentro de los territorios de la otra, si residen en las costas, seis meses, y un año entero á los que residen en el interior, para arreglar sus negocios y disponer de sus propiedades; y se les dará un salvo conducto, para que se embarquen en el puerto que ellos elijieren; y aun en caso de un rompimiento, todos aquellos ciudadanos de cualquiera de las dos altas partes contratantes que estén establecidos en cualquiera de los territorios de la otra, en el ejercicio de algun tráfico ú ocupacion especial, tendrán el privilegio de permanecer y continuar dicho tráfico y ocupacion, en el referido pais, sin que se les interrumpa en manera alguna en el goze absoluto de su libertad y de sus bienes,

Rights of citizens in case of war between the two countries.

and commit no offence against the laws; and their goods and effects of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case debts between individuals, property in public funds, and shares of companies, shall never be confiscated, sequestered, nor detained.

mientras se conduzcan, pacíficamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos de cualquiera clase que sean, bien que estén bajo su propria custodia ó confiados á indvíduos ó al Estado, no estarán sujetos á embargo ó secuestro, ni á ninguna carga ó imposicion que la que se haga con respecto á los efectos ó bienes pertenecientes á los ciudadanos del país en que dichos ciudadanos residan. De igual modo ó en el mismo caso, ni las deudas entre particulares, ni los fondos públicos ni las acciones de compañías serán jamas confiscadas, secuestradas, ó detenidas.

ARTICLE XII.

ARTICULO XII.

Liberty of person;

The citizens of the United States and the citizens of the Republic of Honduras, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and properties, the protection of the government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account

of religious belief.

of their religious belief, nor in the proper exercise of their religion, either within their own private houses or in the places of worship destined for that purpose, agreeably to the system of tolerance established in the territories of the two high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs

Rights of burial.

of the country. Liberty shall also be granted to bury the citizens of either of the two high contracting parties who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way, or upon any account.

Los ciudadanos de la República de Honduras y los ciudadanos de los Estados Unidos, que residan en cualquiera de los territorios de la otra parte gozarán recíprocamente en sus casas, personas, y bienes, de la proteccion del gobierno, y continuarán en posesion de las garantías que actualmente tienen. No seran inquietados, molestados, ni perturbados en manera alguna, en razon de su creencia religiosa, ni en los ejercicios propios de su religion, ya dentro de sus casas particulares, ó en los lugares del culto destinados para aquel objeto, conforme al sistema de tolerancia establecido en los territorios de las dos altas partes contratantes; con tal que respeten la religion de la nacion en que residan, asi como la constitucion, leyes, y costumbres establecidas. Tendrán tambien libertad de enterrar á los ciudadanos de cualquiera de las dos altas partes contratantes, que murieren en los referidos territorios, en sus proprios cementerios, que podrán del mismo modo libremente establecer y mantener; y no se molestarán los funerales ni los sepulcros de los muertos, de ningun modo ni por motivo alguno.

ARTICLE XIII.

ARTICULO XIII.

Right to terminate certain articles of this treaty upon notice.

In order that the two high contracting parties may have the opportunity of hereafter treating and

Para que las dos altas partes contratantes tengan, en lo futuro, oportunidad de tratar y ajustar cuales-

agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective citizens, it is agreed that, at any time after the expiration of seven years from the date of exchange of the ratifications of the present treaty, either of the high contracting parties shall have the right of giving to the other party notice of its intention to terminate Articles IV, V, and VI of the present treaty; and that at the expiration of twelve months after such notice shall have been received by either party from the other, the said articles, and all the stipulations contained therein, shall cease to be binding on the two high contracting parties.

quiera otros arreglos que tiendan aun mas eficazmente á estrechar las relaciones existentes, y al adelanto de los intereses de los respectivos ciudadanos, se ha convenido, que en cualquier tiempo, pasados siete años, desde la fecha en que se cangéen las ratificaciones del presente tratado, cualquiera de las dos altas partes contratantes podra poner en conocimiento de la otra parte sus intenciones de terminar los Artículos IV, V, y VI del presente tratado; y que al espirar un año desde que una de las partes haya recibido de la otra dicha noticia, los espresados artículos, y todo su contenido, dejarán de ser obligatorios á las dos altas partes contratantes.

ARTICLE XIV.

Inasmuch as a contract was entered into by the government of Honduras and a company entitled the "Honduras Inter-oceanic Railway Company" for the construction of a railway from the Atlantic to the Pacific oceans, through the territories of Honduras, which contract was ratified by the constitutional powers of the State, and proclaimed as a law on the 28th day of April, 1854; and inasmuch as, by the terms of article 5, section 6, of said contract, the government of Honduras, with "the view to secure the route herein contemplated from all interruption and disturbance from any cause, or under any circumstances, engages to open negotiations with the various governments with which it may have relations for their separate recognition of the perpetual neutrality, and for the protection of the aforesaid route;" therefore, to carry out the obligations thus incurred:

1. The government of Honduras agrees that the right of way or transit over such route or road, or any other that may be constructed within its territories, from sea to sea, shall be at all times open and free to the government and citizens of the United States for all lawful pur-

ARTICULO XIV.

En atencion á que ha sido concluido un contrato entre el gobierno de Honduras y una Compañia intitulada "Compañía del Camino de Hierro Inter-oceánico de Honduras," para construir un ferro y carril entre el Atlántico-el Pacífico, por el territorio de Honduras, cuyo contrato fué ratificado por los poderes supremos del Estado el 28 de Abril de 1854; y en atencion á que, segun el artículo 5, seccion 6, de dicho contrato, "el gobierno de Honduras, con objeto de asegurar la ruta de toda interrupcion ó disturbio, por cualquiera causa ó circunstancia, se obliga á abrir negociaciones con los gobiernos con quienes tenga relaciones, acerca del reconocimiento y perpetua neutralidad y proteccion de la ruta referida:"—para llenar esta obligacion: Honduras Inter-oceanic Railway Company.

1°. El gobierno de Honduras conviene en que el derecho de tránsito por dicha ruta, ó cualquiera otra que se construya por su territorio, de mar á mar, será en todo tiempo abierta y libre para el gobierno y ciudadanos de los Estados Unidos, para todo objeto legal. Nin- Right of transit, &c.

poses whatever. No tolls, duties, or charges of any kind shall be imposed by the government of Honduras on the transit of property belonging to the government of the United States, or on the public mails sent under authority of the same, nor on the citizens of the United States. And all lawful produce, manufactures, merchandise, or other property belonging to citizens of the United States, passing from one ocean to the other, in either direction, shall be subject to no import or export duties whatever, nor to any discriminating tolls or charges for conveyance or transit, on any such route or road as aforesaid, and shall be secure and protected from all interruption or detention on the part of the State. The Republic of Honduras further agrees that any other privilege or advantage, commercial or other, which is or may be granted to the subjects or citizens of any other country, in regard to such route or road as aforesaid, shall also, and at the same time, be extended to citizens of the United States; and finally, as an evidence of its disposition to accord to the travel and commerce of the world all the advantages resulting from its position in respect to the two great oceans, Honduras, of her own good-will, engages to establish the ports at the extremities of the contemplated road, as free ports, for all the purposes of commerce and trade.

Sovereignty and property of Honduras in and over the line of road recognized and guarantied.

2. In consideration of these concessions, in order to secure the construction and permanence of the route or road herein contemplated, and also to secure, for the benefit of mankind, the uninterrupted advantages of such communication from sea to sea, the United States recognizes the rights of sovereignty and property of Honduras in and over the line of said road, and for the same reason guaranties positively and efficaciously the entire neutrality of the same, so long as the United States shall enjoy the privileges conceded to it in the preceding section of this article. And when the proposed road shall have been completed, the United States equally engun impuesto, derecho ó carga de cualquier especie, se impondrá por el gobierno de Honduras, en el tránsito, á toda propiedad que pertenezca al gobierno de los Estados Unidos, á las malas públicas enviadas bajo su autoridad, ni sobre los ciudadanos de la misma nacion. Y todo producto legal, manufacturas, mercancías ó propiedades de los ciudadanos Norte-Americanos, que pasen en aquella direccion, no serán sujetas á ningun derecho de importacion ó exportacion, ni á arbitrarios impuestos ó cargas de tránsito, y serán aseguradas y protegidas de toda interrupcion ó detencion de parte del estado. Tambien se obliga el gobierno de la República de Honduras, á que todo privilegio ó ventaja comercial ó de cualquiera especie, que se conceda á súbditos ó ciudadanos de otra nacion, será igualmente estensible á los ciudadanos de los Estados Unidos; y por último, como una prueba de su disposicion á conceder al tránsito y comercio del mundo todas las ventajas que presenta su posicion respeto á los dos oceanos, Honduras se obliga á establecer puertos francos, los dos de las estremidades de la línea, para todo objeto de comercio legal.

2°. En consideracion á estas concesiones, para asegurar la construccion y permanencia de la ruta referida, asi como las ventajas que su no interrupcion ofrece al género humano, el gobierno de los Estados Unidos reconoce los derechos de soberanía y propiedad de Honduras sobre la línea de la ruta; y por la misma razon garantiza positiva y eficazmente su entera neutralidad, en tanto que el gobierno de los Estados Unidos goce de los privilegios concedidos en el artículo anterior. Y cuando el camino proyectado sea concluido, el gobierno de los Estados Unidos igualmente se compromete á protejerlo, en union con el de Honduras, de toda interrupcion, ataque

gages, in conjunction with Honduras, to protect the same from interruption, seizure, or unjust confiscation, from whatsoever quarter the attempt may proceed.

3. Nevertheless, the United States, in according its protection to the said route or road, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this article, either by making unfair discriminations in favor of the commerce of any nation or nations over the commerce of any other nation or nations, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Honduras.

ó injusta confiscacion de cualquiera parte que proceda.

3°. No obstante, debe entenderse que al conceder el gobierno de los Estados Unidos su proteccion y garantía sobre la neutralidad de la ruta, es con la condicion de que la retirará si las personas que componen la compañía adoptan ó establecen regulaciones concernientes al tráfico, contrarias al espíritu é intencion de este artículo, ya sea haciendo distinciones en favor de alguna nacion ó naciones, ó sobre el comercio de alguna de ellas, imponiendo exacciones opresivas sobre los pasageros, buques, efectos, mercancías ó artículos. Pero el gobierno de los Estados Unidos, no retirarà dicha proteccion y garantía, sin dar aviso al de Honduras seis meses ántes.

Protection and guaranty may be withdrawn.

ARTICLE XV.

The present treaty shall be ratified, and the ratifications shall be exchanged at Comayagua within the space of one year, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Comayagua this fourth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

THOS. H. CLAY. [L. S.]
M. COLINDRES. [L. S.]

ARTICULO XV.

El presente tratado será ratificado, y las ratificaciones cambiadas en Comayagua en el término de un año, ó ántes si posible fuese.

Ratifications, when to be exchanged.

En fé de lo cual, los respectivos plenipotenciarios han firmado el presente, sellándolo con sus sellos respectivos.

Hecho en la ciudad de Comayagua, el dia cuatro de Julio, del año de nuestro Señor mil ochocientos sesenta y cuatro.

Signatures.

M. COLINDRES. [L. S.]
THOS. H. CLAY. [L. S.]

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Tegucigalpa on the fifth day of May last:

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirtieth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of
[SEAL.] the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

Treaty of Amity, Commerce, and Navigation, and for the Extradition of Fugitive Criminals, between the United States of America and the Republic of Hayti; Concluded and Signed at Port-au-Prince, November 3, 1864; Ratified by the President of the United States, May 18, 1865; Ratifications Exchanged at Washington, May 22, 1865; Proclaimed by the President of the United States, July 6, 1865.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Nov. 3, 1864.

A PROCLAMATION.

Preamble.

WHEREAS a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals, between the United States of America and the Republic of Hayti, was concluded and signed at Port-au-Prince, on the third day of November, in the year of our Lord one thousand eight hundred and sixty-four, which treaty, being in the English and French languages, is word for word as follows: —

Contracting parties.

The United States of America and the Republic of Hayti, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, and to place their commercial relations upon the most liberal basis, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of amity, commerce, and navigation, and for the extradition of fugitive criminals.

La République d'Haïti et les Etats Unis de l'Amérique, désirant rendre durables et solides l'amitié et la bonne entente, qui règnent heureusement entre les deux nations et asseoir leurs relations commerciales sur les bases les plus libérales, ont résolu de fixer d'une manière claire, nette, et positive, les règles qui devront être, à l'avenir, religieusement, suivies, entre l'une et l'autre, au moyen d'un traité d'amitié, de commerce et de navigation, ainsi que d'extradition de criminels fugitifs.

Plenipotentiaries.

For this purpose they have appointed as their plenipotentiaries, to wit: the President of the United States, Benjamin F. Whidden, commissioner and consul-general of the United States to the Republic of Hayti; and the President of Hayti, Boyer Bazelais, chef d'escadron, his aide-de-camp and secretary, who, after a reciprocal communication of their respective full powers, found in due and proper form, have agreed to the following articles: —

Dans ce but, ils ont appointé pour leurs plénipotentiaires, à savoir: le Président d'Haïti, le Sieur Boyer Bazelais, chef d'escadron, son aide-de-camp et son secrétaire; et le Président des Etats Unis, le Sieur Benjamin F. Whidden, commissaire et consul-général des Etats Unis prés la République d'Haïti; lesquels, après une mutuelle communication de leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles ci-après: —

ARTICLE I.

Peace and amity.

There shall be a perfect, firm, and inviolable peace and sincere

ARTICLE I.

Il y aura paix parfaite, solide, et inviolable, et amité sincère entre la

friendship between the United States of America and the Republic of Hayti, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

Privileges of most favored nation.

The United States of America and the Republic of Hayti, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, agree that any favor, exemption, privilege, or immunity whatever, in matters of commerce or navigation, which either of them has granted, or may hereafter grant, to the citizens or subjects of any other government, nation, or state, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party; gratuitously, if the concession in favor of that other government, nation, or state, shall have been gratuitous; or in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE III.

Rights in case of war.

If by any fatality (which cannot be expected, and which God forbid) the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and movables, which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; which immunity is not in any way to be construed to prevent the execution of any existing civil or commercial engagements; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their ves-

République d'Haïti et les Etats Unis d'Amérique, dans toute l'étendue de leurs possessions et territoire et entre leur peuple et citoyens, respectivement, sans distinction de personnes ni de lieux.

ARTICLE II.

La République d'Haïti et les Etats Unis d'Amérique, désirant vivre en paix et en harmonie avec toutes les autres nations de la terre, au moyen d'une politique franche et également amicale envers toutes, sont convenus que toute faveur, exemption, privilèges ou immunités quelconques, en matière de commerce ou de navigation, que l'une des deux parties a accordés ou pourra, par la suite, accorder aux citoyens ou sujets de tout autre gouvernement, nation, ou état, s'étendront, en identité de cas et de circonstances, aux citoyens de l'autre partie contractante, gratuitement, si la concession en faveur de cet autre gouvernement, nation, ou état, a été gratuite; ou en retour d'une compensation équivalente, si la concession a été conditionnelle.

ARTICLE III.

Si, par quelque fatalité, (à laquelle on ne peut s'attendre et que Dieu détourne!) les deux nations venaient à être en guerre entre elles, le délai de six mois, aprés la déclaration d'une telle guerre, sera accordé aux négociants et autres citoyens et habitants, respectivement de chaque côté, durant lequel délai, ils seront libres de se retirer avec leurs effets et mobiliers, qu'ils auront le droit d'emporter, de faire partir ou de vendre, comme bon leur semblera, sans le moindre empêchement; et ne pourront leurs effets, bien moins leurs personnes, être saisis durant ce délai de six mois; immunité, qui ne doit être, en aucune maniére, entendue comme empêchant l'exécution des engagements civils et commerciaux existants; tout au contraire des passe-ports, qui seront valables pour le temps que nécessitera leur retour, leur seront donnés pour leurs

sels and their effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures which privateers may attempt against their persons and effects.

ARTICLE IV.

Neither the money, debts, shares in the public funds or in banks, or any other property, of either party, shall ever, in the event of war or national difference, be sequestered or confiscated.

ARTICLE V.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military duty by sea or by land, and from all forced loans or military exactions or requisitions, nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE VI.

The citizens of each of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of the territories of the other, engage in business, hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party respectively, as well in respect to the consignment and sale of their goods as with respect to the loading, unloading, and sending off their vessels. They may also employ such agents or brokers as they may deem proper; it being distinctly understood that they are subject also to the same laws.

navires et les effets qu'ils voudront emporter ou expédier, et de tels passe-ports seront un sauf-conduit contre les insultes et les captures que des corsaires pourraient tenter contre leurs personnes et leurs effets.

ARTICLE IV.

Property not to be confiscated

Ni l'argent, les créances, les actions dans les fonds publics ou dans les banques, ni aucune autre propriété de l'une ou de l'autre partie, ne pourront jamais, en cas de guerre ou de différend national, être séquestrés ou confisqués.

ARTICLE V.

Exemption from compulsory military duty.

Les citoyens de chacune des hautes parties contractantes résidant ou établis sur le territoire de l'autre, seront exempts de toute contrainte au service militaire, sur terre comme sur mer, de tous emprunts forcés et de toutes exactions ou réquisitions militaires; ils ne pourront pas, nonplus être obligés à fournir contribution en aucune manière plus fortement ou autrement que les nationaux.

ARTICLE VI.

Rights of residence and business.

Il sera permis aux citoyens de chacune des parties contractantes d'entrer, de séjourner, de s'établir et de résider dans toutes les parties du territoire de l'autre; d'entreprendre le commerce, de louer et d'occuper des magasins, pourvu qu'ils se soumettent aux lois tant générales que spéciales concernant le droit de voyager, de résider et de commercer. Tout le temps qu'ils se conformeront aux lois et aux réglements en vigueur, ils seront libres de diriger eux-mêmes leurs propres affaires, sous la juridiction de l'une ou de l'autre partie, respectivement, tant à l'égard de la consignation et de la vente de leurs marchandises, qu'à l'égard du chargement, du déchargement et de l'expédition de leurs navires. Ils pourront aussi employer tels agents ou courtiers qu'ils jugeront convenable d'employer, ceci étant clairement entendu qu'ils sont aussi soumis à la même loi.

Privileges of courts.

The citizens of the contracting parties shall have free access to the tribunals of justice, in all cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens, furnishing security in the cases required: for which purpose they may employ in the defence of their interests and rights such advocates, solicitors, attorneys, and other agents as they may think proper, agreeably to the laws and usage of the country.

Les citoyens des parties contractantes auront libre accès près les tribunaux de justice dans toutes les causes où ils seront intéressés, aux mêmes conditions que les lois et les usages du pays font aux nationaux; fournissant des sûretés dans les cas requis. A l'effet de quoi, ils pourront employer, pour défendre leurs intérêts et leurs droits, tels avocats, procureurs, chargés d'affaires et autres agents qu'ils jugeront convenable de nommer, conformément aux lois et usages du pays.

ARTICLE VII.

Books and papers not to be examined, unless, &c.

There shall be no examination or inspection of the books, papers, or accounts of the citizens of either country residing within the jurisdiction of the other without the legal order of a competent tribunal or judge.

Aucun examen, ni inspection des livres, papiers ou comptes des citoyens de l'un des deux pays résidant dans les limites de la juridiction de l'autre, ne pourra avoir lieu, sans un ordre légal émané d'un tribunal ou d'un juge compétent.

ARTICLE VIII.

Liberty of conscience.

The citizens of each of the high contracting parties, residing within the territory of the other, shall enjoy full liberty of conscience. They shall not be disturbed or molested on account of their religious opinions or worship, provided they respect the laws and established customs of the country. And the bodies of the citizens of the one who may die in the territory of the other shall be interred in the public cemeteries, or in other decent places of burial, which shall be protected from all violation or insult by the local authorities.

Rights of burial.

Les citoyens de chacune des hautes parties contractantes, résidant sur le territoire de l'autre, jouiront d'une entière liberté de conscience. Ils ne seront ni inquiétés, ni molestés à cause de leurs opinions religieuses et de leur culte, pourvu qu'ils respectent les lois et les coutumes établies du pays. En outre, les corps des citoyens de l'une des parties, qui viendront à décéder sur le territoire de l'autre, seront enterrés dans les cimetières publics, ou dans tous autres lieux convenables de sépulture, qui seront protégés contre toute violation ou toute insulte par les autorités locales.

ARTICLE IX.

Disposal of property by will.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives, being citizens of the other contracting party, shall succeed to their personal property, whether by testament or *ab intestato*. They may take possession thereof, either by

Succession to personal property.

Les citoyens de chacune des hautes parties contractantes auront, dans la juridiction de l'autre, la faculté de disposer de leurs biens mobiliers par vente, donation, testament, ou autrement; et, leurs successeurs, citoyens de l'autre partie contractante, pourront hériter de leurs biens mobiliers soit par testament, soit *ab-intestat*. Ils pourront en prendre possession soit par eux-

themselves or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, while the lawful owner may take measures for securing it. If a question as to the rightful ownership of the property should arise among claimants, the same shall be determined by the judicial tribunals of the country in which it is situated.

ARTICLE X.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may also be imported in the vessels of the Republic of Hayti, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, than shall be levied or collected of the vessels of the most favored nation.

And reciprocally whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into Hayti in her own vessels, may be also imported in the vessels of the United States, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, than shall be levied or collected of the vessels of the most favored nation.

ARTICLE XI.

It is also hereby agreed that whatever may be lawfully exported or reëxported from the one country in its own vessels, to any foreign country, may in like manner be exported or reëxported in vessels of

mêmes, soit par des tiers agissant pour eux, comme ils le voudront, et en disposer sans payer d'autres droits que ceux auxquels sont assujettis, dans les mêmes circonstances, les citoyens du pays, où sont situés les dits biens mobiliers. En l'absence de successeur, il sera pris du bien les mêmes soins qu'en pareille occurrence, la loi ordonne de prendre du bien d'un national, et ce, tandis que celui qui y aura légitimement droit, prendra ses mesures pour se l'assurer. Si, parmi les prétendants, il s'élève une contestation sur la légitimité de leur droit respectif à la propriété, cette contestation sera jugée par les tribunaux de justice du pays où le bien est situé.

ARTICLE X.

Imports.

Les hautes parties contractantes conviennent par ces présentes, que les produits, articles manufactures et marchandises de toutes sortes d'un pays étranger quelconque, qui peuvent être de temps à autre, légalement importés aux Etats Unis par leurs propres navires, pourront l'être également par navires d'Haïti, et qu'il ne sera imposé ou prélevé des droits plus élevés ou autres, sur le tonnage ou la cargaison des navires que ceux imposés ou prélevés sur les navires de la nation la plus favorisée. Et, réciproquement, les produits, articles manufacturés et marchandises de toutes sortes d'un pays étranger quelconque, qui peuvent être de temps à autre légalement importés à Haïti par ses propres navires, pourront l'être également par navires appartenant aux Etats Unis; et, il ne sera imposé ni prélevé des droits plus forts ou autres, sur le tonnage et la cargaison, que ceux imposés ou prélevés sur les navires de la nation la plus favorisée.

ARTICLE XI.

Exports.

Il est de même convenu, par les présentes, que tout ce qui pourra être légalement exporté ou réexporté d'un des deux pays, par ses propres navires pour un pays étranger quelconque, pourra être

the other; and the same duties, bounties, and drawbacks shall be collected and allowed as are collected of and allowed to the most favored nation.

It it also understood that the foregoing principles shall apply, whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from ports of any other nation.

également exporte ou réexporté par les navires de l'autre; et les mêmes droits seront prélevés, les mêmes primes et drawbacks seront accordés, que pour les navires de la nation la plus favorisée.

Il est aussi entendu que les principes ci-dessus seront appliqués, que les navires aient été expédiés directement des ports de la nation à laquelle ils appartiennent ou des ports de toute autre nation.

ARTICLE XII.

Coasting trade not included.

The provisions of this treaty are not to be understood as applying to the coasting trade of the contracting parties, which is respectively reserved by each exclusively, to be regulated by its own laws.

ARTICLE XII.

Les dispositions de ce traité ne doivent pas être entendues comme s'appliquant au commerce de cabotage des parties contractantes, lequel demeure respectivement réservé, par chacune d'elles, exclusivement pour être réglé par ses propres lois.

ARTICLE XIII.

Rates of duties.

No higher or other duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Hayti or her fisheries; and no higher or other duties shall be imposed on the importation into Hayti of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries.

No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Hayti, nor in Hayti, on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country.

No prohibition on importation.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Hayti and her fisheries, from or to the ports of the United States or Hayti, which shall not equally extend to any other foreign country.

ARTICLE XIII.

Aucun droit plus élevé ou autre ne sera imposé sur l'importation aux Etats Unis d'un article quelconque, du crû, de la production ou de la fabrication d'Haïti ou de ses pêcheries; aucun droit plus élevé ou autre ne sera imposé sur l'importation en Haïti d'un article quelconque du crû, de la production ou de la fabrication des Etats Unis ou de leurs pêcheries, que ceux qui sont ou seront payés pour les mêmes articles du crû, de la production, de la fabrication de tout autre pays étranger, ou de ses pêcheries.

Il ne sera imposé de droits ou frais autres ou plus élevés aux Etats Unis, sur l'exportation d'un article quelconque pour Haïti, ni en Haïti sur l'exportation d'un article quelconque pour les Etats Unis, que ceux qui sont ou seront payés, à l'exportation des mêmes articles pour n'importe quel pays étranger.

Aucune prohibition ne sera établie contre l'importation, des ports des Etats Unis à ceux d'Haïti ou de ceux d'Haïti à ceux des Etats Unis, d'un article du crû, de la production, de la fabrication des Etats Unis ou de leurs pecheries, ou d'Haïti et de ses pêcheries, qui ne s'étendra également à tout autre pays étranger.

ARTICLE XIV.

It is hereby agreed that if either of the high contracting parties should hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XV.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, ports, or dominions of the other with their vessels, whether merchant or war, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their vessels, and placing themselves in a condition to continue their voyage without obstacle or hindrance of any kind.

And the provisions of this article shall apply to privateers or private vessels of war, as well as public, until the two high contracting parties may relinquish that mode of warfare, in consideration of the general relinquishment of the right of capture of private property upon the high seas.

ARTICLE XVI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in like cases.

If the repairs which a stranded

ARTICLE XIV.

Il est convenu par les présentes que si l'une ou l'autre des hautes parties contractantes venait par la suite à établir des droits différentiels sur les produits de tout autre nation, l'autre partie aura la faculté de déterminer l'origine de ses propres produits destinés à entrer dans le pays où les droits différentiels sont établis. Discriminating duties.

ARTICLE XV.

Toutes les fois que les citoyens de l'une ou de l'autre des parties contractantes se trouveront forcés de chercher refuge ou asile, dans les fleuves, les ports ou les possessions de l'autre, avec leurs navires, soit de commerce soit de guerre, par suite de mauvais temps, de poursuite de pirates ou d'ennemis, ou de manque de provisions ou d'eau, ils seront accueillis et traités avec humanité, recevant toute facilité et protection pour réparer leurs navires et se mettre en état de continuer leur voyage sans obstacle ni empêchement d'aucune sorte. Rights of asylum and refuge.

Et les dispositions de cet article seront applicables aux corsaires, ou navires privés de guerre aussi bien qu'aux navires publics de guerre, jusqu'à ce que les deux hautes parties contractantes aient abandonné ce mode d'hostilité, par suite de l'abandon général du droit de capturer la propriété privée sur les hautes mers.

ARTICLE XVI.

Quand un navire de l'une des parties aura fait naufrage, aura échoué ou aura été autrement endommagé sur les côtes ou dans la juridiction de l'autre, les citoyens, respectivement, recevront pour eux-mêmes aussi bien que pour leur navire et leurs effets, la même assistance qui eût été due, en pareil cas, aux habitants du pays où l'accident est survenu, et ils seront dans l'obligation de payer les mêmes dépenses et les mêmes frais de sauvetage qu'en semblable circonstance auraient payés les mêmes habitants. Rights of those shipwrecked.

Si les réparations qu'exige un Repairs of vessels.

vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like cases by national vessels.

navire échoué rendent nécessaire le déchargement de la totalité ou d'une partie quelconque de sa cargaison, il ne sera payé sur la cargaison qui aura été remportée d'autres droits de douane, frais et rétributions, que ceux qu'auraient eu à payer, en pareil cas, les navires nationaux.

ARTICLE XVII.

ARTICLE XVII.

Ships of either country not affected by ownership of merchandise on board, contraband excepted.

It shall be lawful for the citizens of either republic to sail with their ships and merchandise (contraband goods excepted) with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with their ships and merchandises before mentioned, and to trade with the same liberty and security, not only from ports and places of those who are enemies of both or either party, to ports of the other, and to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one or several powers, unless such ports or places are blockaded, besieged, or invested.

Il sera permis aux citoyens de l'une ou de l'autre république de faire voile avec leurs navires et marchandises (les articles de contrebande exceptés) en toute liberté et en toute sécurité, et sans distinction aucune, quant à qui sont propriétaries des marchandises chargées sur ces navires, d'un port quelconque vers les places de ceux qui sont actuellement ou pourront être par la suite en état d'hostilité avec l'une ou l'autre des parties contractantes.

Il sera également permis aux citoyens susdits de faire voile avec leurs navires et marchandises susmentionées et de commercer avec la même liberté et la même sécurité, non seulement des ports et des places de ceux qui sont ennemis des deux parties ou de l'une d'elles, aux ports de l'autre et aux ports neutres, mais aussi d'une place appartenant à un ennemi à une autre place appartenant à un ennemi, que ces places soient sous la juridiction d'une ou de plusieurs puissances, excepté si les dits ports ou places sont bloqués, assiégés ou investis.

ARTICLE XVIII.

ARTICLE XVIII.

Rules as to blockade, &c.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is hereby agreed by the high contracting parties that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo, if not contraband, be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other

Et, comme il arrive fréquemment que des navires partent pour un port ou une place appartenant à l'ennemi, sans savoir que ces points sont assiéges, bloqués ou investis, il est ici convenu entre les hautes parties contractantes, que tout navire qui se trouvera dans ce cas pourra être renvoyé de ces ports ou places, mais ne sera pas détenu, ni aucune partie de sa cargaison, si elle n'est de contrebande, confisquée, à moins qu'après l'avis d'un tel blocus ou d'un tel investissement le même navire ne tentât encore d'entrer. Mais il lui

port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo, nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIX.

The two high contracting parties recognize as permanent and immutable the following principles, to wit: —

1. That free ships make free goods; that is to say: that the effects or goods belonging to subjects or citizens of a power or state at war are free from capture or confiscation when found on board neutral vessels, with the exception of articles contraband of war.

2. That the property of neutrals on board of an enemy's vessel is not subject to confiscation, unless the same be contraband of war.

The like neutrality shall be extended to persons who are on board a neutral ship, with this effect, that although they may be enemies of both or either party, they are not to be taken out of that ship, unless they are officers or soldiers, and in the actual service of the enemy. The contracting parties engage to apply these principles to the commerce and navigation of all such powers and states as shall consent to adopt them as permanent and immutable.

ARTICLE XX.

The liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name

sera permis d'aller vers tout autre port ou place, selon son désir, pourvu que ces derniers points ne soient ni bloqués, ni assiégés, ni investis. Les navires de l'une ou de l'autre des deux parties qui seraient entrés dans de tels ports ou places, avant que ces ports ou places, eûssent été effectivement assiégés, bloqués ou investis par l'autre, ne seront pas empêchés de les quitter, avec leurs chargements, et s'ils y sont trouvés après la réduction ou la reddition de la place, ils ne seront pas sujets à confiscation, mais devront être remis à leurs propriétaires.

ARTICLE XIX.

Recognition of certain principles.

Les deux hautes parties contractantes reconnaissent comme permanents et immuables les principes ci-àpres, à savoir: —

Free ships make free goods.

1. Que le navire libre fait la marchandise libre, c'est à dire, que les effets et marchandises, appartenant aux sujets ou aux citoyens d'une puissance ou d'un état en guerre, ne peuvent être ni saisis ni confisqués, si on les trouve à bord d'un navire neutre, à moins que ce ne soient des articles de contrebande de guerre.

Property of neutrals.

2. Que la propriété des neutres à bord d'un navire ennemi n'est pas sujette à confiscation, à moins qu'elle ne soit contrebande de guerre.

La même neutralité s'étend aux personnes trouvées à bord d'un navire neutre, avec cette conséquence, à savoir que, quoique ces personnes puissent être des ennemis des deux parties ou de l'une d'elles, elles ne pourront pas être enlevées du dit navire, à moins que ce ne soient des officiers ou des soldats au service actuel de l'ennemi. Les parties contractantes s'engagent à appliquer ces principes au commerce et à la navigation de toutes les puissances et de tous les états qui consentiront à les adopter comme permanents et immuables.

ARTICLE XX.

Contraband of war to include

La liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à l'exception, seulement, de celles désignées sous le

of contraband of war, and under this name shall be comprehended: —

what goods.

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of arms.

2. Bucklers, helmets, breastplates, coats-of-mail, accoutrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4. And, generally, all offensive or defensive arms, made of iron, steel, brass, copper, or of any other material prepared and formed to make war by land or at sea.

ARTICLE XXI.

Goods not included in list of contraband to be free for commerce.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at the time besieged or blockaded.

ARTICLE XXII.

Merchant ships in time of war to exhibit, &c.

In time of war the merchant ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there may be just grounds of suspicion, shall be obliged to exhibit not only their passports but likewise their certificates, showing that their goods are not of the quality of those specified as contraband in this treaty.

ARTICLE XXIII.

To avoid all kind of vexation and

nom de contrebande de guerre, et sous ce nom sont compris: —

1. Les canons, mortiers, obusiers, pierriers, espingoles, mousquets, fusils, mousquetons, carabines, pistolets, piques, épées, sabres, lances, javelines, hallebardes, grenades, bombes, poudre, mêches, boulets et tout ce qui tient á l'emploi des armes.

2. Les boucliers, casques, cuirasses, cottes de maille, accoutrements et vêtements militaires confectionnés dans la forme et pour un service militaire.

3. Les ceinturons de cavalerie et les chevaux avec leurs harnais.

4. Et généralement toutes armes offensives et défensives fabriquées avec du fer, de l'acier, du cuivre, de l'airain, ou avec toute autre préparation et dans le but de faire la guerre par terre ou par mer.

ARTICLE XXI.

Toutes autres marchandises et tous autres articles, non compris parmi ceux de contrebande explicitement énumérés et classés comme dessus, seront considérés libres et objets d'un commerce libre et légal, et pourront ainsi être transportés de la manière la plus libre, par les citoyens de deux parties contractantes, même à des places appartenant à l'ennemi, à l'exception de celles de ces places qui se trouveront actuellement assiégées ou bloquées.

ARTICLE XXII.

En temps de guerre, les bâtiments de commerce appartenant aux citoyens de l'une ou de l'autre des parties contractantes, qui seront expédiés pour un port ennemi de l'une des deux parties, seront, si leur voyage et les articles de leur chargement fournissent de justes motifs de suspicion, tenus d'exhiber non seulement leurs passe-ports, mais encore les certificats dont ils sont porteurs pour prouver que leurs marchandises ne sont pas de la qualité de celles spécifiées comme contrebande par ce traité.

ARTICLE XXIII.

Pour éviter toutes sortes de vexa-

abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, it is hereby agreed that when one party shall be engaged in war, and the other party shall be neutral, the vessels of the neutral party shall be furnished with passports, that it may appear thereby that they really belong to citizens of the neutral party. These passports shall be valid for any number of voyages, but shall be renewed every year.

If the vessels are laden, in addition to the passports above named, they shall be provided with certificates, in due form, made out by the officers of the place whence they sailed, so that it may be known whether they carry any contraband goods. And if it shall not appear from the said certificates that there are contraband goods on board, the vessels shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such vessel, and the commander of the same shall offer to deliver them up, that offer shall be accepted, and a receipt for the same shall be given, and the vessel shall be at liberty to pursue her voyage, unless the quantity of contraband goods be greater than can be conveniently received on board the ship-of-war or privateer, in which case, as in all other cases of just detention, the vessel shall be carried to the nearest safe and convenient port for the delivery of the same.

In case any vessel shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the vessel belongs to citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

tion et d'abus dans l'examen des papiers concernant la propriété des navires appartenant aux citoyens des parties contractantes, il est convenu, par les présentes, que, lorsque l'une des parties se trouvera en guerre et que l'autre sera neutre, les bâtiments de la partie neutre seront munis de passe-ports, afin qu'il soit par là évident qu'ils appartiennent réellement à des citoyens de la partie neutre. Ces passe-ports seront valables pour un nombre quelconque de voyages, mais seront renouvelés tous les ans. Neutral vessels to have passports, &c.

Si les bâtiments sont chargés, il leur sera, en outre des passe-ports susmentionnés, fourni des certificats, dressés en due forme et délivrés par les officiers de la place du départ, afin que l'on puisse savoir si les dits bâtiments sont porteurs d'articles de contrebande. Et, s'il n'appert pas de ces certificats qu'il existe à bord des articles de contrebande, les bâtiments seront laissés libres de poursuivre leur voyage. S'il résulte, au contraire, de ces certificats que des articles de contrebande existent sur un tel navire, et si le commandant de ce navire offre de s'en dessaisir, cette offre sera acceptée, il lui en sera délivré reçu et le navire sera laissé libre de continuer son voyage, à moins que les articles de contrebande ne soient en trop grande quantité pour pouvoir être commodément reçus à bord du navire de guerre ou du corsaire. Dans ce dernier cas, comme dans tous les autres cas d'une juste détention, le navire sera dirigé sur le port le plus voisin, le plus sûr et le plus convenable pour la délivrance des dits articles.

Dans le cas où un bâtiment n'aura pas été muni d'un passe-port ou de certificats, dont il est nécessaire qu'il soit pourvu d'après ce que dessus, un tel cas sera examiné par un juge ou un tribunal compétent; et s'il appert d'autres documents ou d'autres preuves, admissibles suivant les us et coutumes des nations, que le bâtiment appartient aux citoyens ou aux sujets de la partie neutre, il ne sera pas confisqué, mais sera relâché avec son chargement (les articles de contrebande exceptés) et sera laissé libre de poursuivre son voyage.

ARTICLE XXIV.

Manner of search of vessels.

In order to prevent all kinds of disorder in the visiting and examination of the vessels and cargoes of both the contracting parties on the high seas, it is hereby agreed that, whenever a ship-of-war shall meet with a neutral of the other contracting party, the first shall remain at a convenient distance, and may send its boats, with two or three men only, in order to execute the examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ships shall be responsible with their persons and property; for which purpose the commanders of all private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit; and it is hereby agreed and understood that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

ARTICLE XXV.

Ships under convoy not to be visited or searched.

It is expressly agreed by the high contracting parties that the stipulations before mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party toward the ships of the neutral party, shall be applicable only to ships sailing without a convoy; and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit, under the protection of their convoys, ships which shall have on board contraband goods destined to an enemy.

ARTICLE XXIV.

Afin de prévenir tout désordre dans la visite et l'examen des bâtiments et des cargaisons des deux parties contractantes sur les hautes mers, il est ici convenu, que, lorsqu'un navire de guerre rencontrera un bâtiment neutre de l'autre partie contractante, le premier se tiendra à une distance convenable, et enverra sa chaloupe avec seulement deux ou trois hommes, pour qu'ils effectuent l'examen des papiers relatifs à la propriété du bâtiment et de son chargement, sans se livrer à aucune exaction, violence ou mauvais traitement, ce dont les commandants des dits navires armés seront responsables de leurs personnes et de leurs biens. Pour cet effet les commandants de tous navires privés armés devront, avant de recevoir leurs commissions, fournir une garantie suffisante pour répondre de tous les dommages qu'ils pourront occasioner; et il est ici convenu et entendu que la partie neutre ne sera, dans aucun cas, appelée sur le navire visitant, ni pour la présentation de ses papiers ni pour aucun autre motif quelconque.

ARTICLE XXV.

Il est expressément convenu entre les deux hautes parties contractantes que les stipulations ci-dessus concernant la conduite à tenir sur mer par les croiseurs de la partie belligérante envers les bâtiments de la partie neutre ne seront applicables qu'aux bâtiments voyageant sans convoi; que lorsque les dits bâtiments seront convoyés, l'intention des parties étant d'observer tous les égards dûs à la protection du pavillon qui flotte sur les navires publics, il ne sera pas permis de les visiter; mais que la déclaration verbale du commandant du convoi, que les bâtiments escortés par lui appartiennent à la nation, dont il porte le pavillon et n'ont à leur bord aucun article de contrebande, sera considérée comme entièrement suffisante par les croiseurs respectifs, les deux parties s'engageant réciproquement à ne pas admettre sous la protection de leurs convois des bâtiments qui seraient porteurs d'articles de contrebande destinés à un ennemi.

ARTICLE XXVI.

Whenever vessels shall be captured or detained, to be carried into port under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of said papers; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them of the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XXVII.

That proper care may be taken of the vessel and cargo, and embezzlement prevented in time of war, it is hereby agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured vessel from on board thereof, during the time the vessel may be at sea after her capture, or pending the proceedings against her, or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated. They shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, mate, and passengers, five hundred dollars each, and for the sailors one hundred dollars each.

ARTICLE XXVI.

Toutes les fois que des bâtiments seront capturés ou détenus pour être conduits dans un port sous la charge d'apporter à l'ennemi des articles de contrebande, le capteur devra fournir reçu de ceux des papiers du bâtiment qu'il aura retenus, lequel reçu sera annexé à une copie des dits papiers; et il ne sera pas permis de briser ou d'ouvrir les panneaux, coffres, malles, barils, colis ou vases trouvés à bord, ni d'enlever la moindre partie des effets, à moins que le chargement ne soit transporté à terre en présence des officiers compétents et qu'il n'en soit, par eux, dressé inventaire. Il ne sera pas non plus permis de vendre, d'échanger ni d'aliéner d'aucune façon les dits articles de contrebande, sans qu'il y ait eu poursuite légale, et que le juge ou les juges compétents aient prononcé contre de tels articles sentence de confiscation.

Provisions in case of captures.

ARTICLE XXVII.

Afin que des soins convenables soient pris des bâtiments et de leurs chargements, et que toutes malversations soient empêchées, en temps de guerre, il est ici convenu qu'il ne sera pas permis d'éloigner du bord le maître, le commandant ou le subrécargue d'un bâtiment capturé, durant le temps que ce bâtiment sera encore en mer après la capture, ou durant la procédure qui se poursuivra contre le dit bâtiment, sa cargaison ou tout ce qui y a trait; et, dans tous les cas où un bâtiment appartenant à des citoyens de l'une ou de l'autre partie aura été capturé, confisqué et détenu pour être adjugé, ses officiers, ses passagers et son équipage devront être traités avec hospitalité. Ils ne devront pas être emprisonnés, ni être privés d'aucune partie de leurs vêtements, de la possession de leur argent, n'excédant pas pour le capitaine, le subrécargue, le second et les passagers, chacun, cinq cents dollars, et pour les matelots, chacun, cent dollars.

Care of captured property.

ARTICLE XXVIII.

Prize courts alone to take cognizance of prize cases.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either of the parties shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and all of the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXVIII.

Il est de plus convenu que, dans tous les cas, les cours établies pour le jugement des prises seront, dans le pays où les prises seront amenées, seules habiles à en connaître. Et, toutes les fois qu'un tel tribunal de l'une ou de l'autre partie aura prononcé son jugement contre un navire, des marchandises ou des propriétés réclamées par des citoyens de l'autre partie, la sentence ou le décret devra mentionner les raisons et les motifs sur lesquels on s'est fondé; et copie authentique de cette sentence ou de ce décret et de toute la procédure y relative sera, sur sa demande, délivrée au capitaine ou à l'agent du dit bâtiment, et ce, sans délai et moyennant paiement des frais légaux.

ARTICLE XXIX.

No duties on prize ships or their captors.

When the ships-of-war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized, nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law or by treaty with the most favored nation.

ARTICLE XXIX.

Quand des navires de guerre des deux parties contractantes, ou des navires appartenant à leurs citoyens et armés en guerre, seront admis à entrer avec leurs prises, dans les ports de l'une ou de l'autre partie, ils ne seront obligés de payer aucun droit ni aux officiers de la place, ni aux juges, ni à tous autres; les prises, quand elles arriveront et entreront dans les ports d'une des parties, ne seront non plus ni arrêtées ni saisies, et les officiers de la place ne pourront faire aucune perquisition sur la légalité de telles prises; mais les navires pourront, en tout temps hisser leurs voiles, partir et conduire leurs prises vers les lieux mentionnés dans leurs commissions, que les commandants des dits navires seront tenus d'exhiber. Il est entendu toutefois, que les privilèges conférés par cet article ne s'étendront pas au-delà de ceux accordés soit par la loi, soit par traité avec la nation la plus favorisée.

ARTICLE XXX.

Foreign privateers.

It shall not be lawful for any foreign privateers who have commissions from any prince or state in enmity with either nation to fit their

ARTICLE XXX.

Il ne sera pas permis à des corsaires étrangers, qui tiennent leurs commissions d'un prince ou d'un état en guerre avec l'une des deux

ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that prince or state from which they have received their commissions.

ARTICLE XXXI.

No citizen of Hayti shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Hayti, or any of them, or the property of any of them, from any prince or state with which the said Republic shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXXII.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, and other diplomatic agents, the same favors, privileges, immunities, and exemptions which the most favored nations do or shall enjoy; it being understood that whatever favors, privileges, immunities, or exemptions, the United States of America or the Republic of Hayti may find it proper to give to the envoys, ministers, and other diplomatic agents, of any other

nations, d'équipper leurs navires dans les ports de l'une ou de l'autre, d'y vendre ni d'y échanger, en aucune façon, leurs prises; il ne leur sera pas non plus permis de s'y procurer des provisions, excepté ce qui leur sera nécessaire pour aller vers le port le plus voisin appartenant au prince ou à l'état de qui ils tiennent leurs commissions.

ARTICLE XXXI.

Citizens of either country not to take letters of marque against the other.

Aucun citoyen d'Haïti ne pourra demander à un prince ou à un état en guerre avec les Etats Unis, ni accepter d'eux de commission ou de lettre de marque en vue d'armer un ou des navires pour être employés comme corsaires contre les dits Etats Unis, ou l'un des dits Etats, ni contre les citoyens, le peuple, ou les habitants des dits états ou de l'un d'eux, ou contre les propriétés d'aucun de leurs habitants. Les citoyens des dits Etats Unis ne pourront pas, non plus, demander à aucun prince ou à aucun état en guerre avec la République d'Haïti ni accepter d'eux de commission ou de lettre de marque, en vue d'armer un ou des navires pour être employés comme corsaires contre les citoyens ou les habitants d'Haïti ou contre les propriétés d'aucun d'eux. Et, si une personne quelconque de l'une ou de l'autre nation accepte de telles commissions ou de telles lettres de marque, cette personne serra punie conformément aux lois respectives de chaque pays.

ARTICLE XXXII.

Equal rights of diplomatic agents &c.

Les hautes parties contractantes, désirant éviter toute inégalité dans leurs communications publiques et dans leurs rapports officiels, sont convenues d'accorder á leurs envoyés, ministres et autres agents diplomatiques les mêmes faveurs, privilèges, immunités, et exemptions dont jouissent ou jouiront les nations les plus favorisées; et, il demeure entendu que, quels que soient les faveurs, privilèges, immunités et exemptions que les Etats Unis d'Amérique ou la République d'Haïti jugeront à propos de conférer aux

power, shall by the same act be extended to those of each of the contracting parties.

ARTICLE XXXIII.

Consuls and vice-consuls.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the consuls and vice-consuls of the most favored nation.

ARTICLE XXXIV.

Exequaturs.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form; and, having obtained their *exequatur*, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants, in the consular district in which they reside.

ARTICLE XXXV.

Consuls, &c., exempt from personal taxes, &c.

It is also agreed, that the consuls, their secretaries, officers, and persons attached to the service of consuls, they not being citizens of the country in which the consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of

envoyés, ministres et autres agents diplomatiques d'une puissance étrangère quelconque, ces privilèges, &ca., &ca., seront par le même acte, étendus aux agents de chacune des parties contractantes.

ARTICLE XXXIII.

Afin de protéger plus efficacement le commerce et la navigation de leurs citoyens respectifs, les Etats Unis d'Amérique et la République d'Haïti sont convenus d'admettre et de recevoir, mutuellement, des consuls et vice-consuls dans tous leurs ports ouverts au commerce extérieur; lesquels jouiront, dans l'étendue de leurs circonscriptions consulaires, de tous les droits, prérogatives et immunités des consuls et vice-consuls de la nation la plus favorisée.

ARTICLE XXXIV.

Pour que les consuls et vice-consuls des deux parties contractantes puissent jouir des droits, prérogatives, et immunités attachés au caractère public dont ils sont revêtus, ils devront, avant d'entrer dans l'exercice de leurs fonctions officielles, exhiber au gouvernement près duquel ils sont accrédités leurs commissions ou lettres patentes en due forme; et, lorsqu'ils auront obtenu leur *exequatur*, ils seront reconnus, dans leur caractère officiel, par les autorités, les magistrats et les habitants de la circonscription consulaire de leur résidence.

ARTICLE XXXV.

Il est aussi convenu que les consuls, leurs secrétaires, officiers et autres personnes attachés à leur service, s'ils ne sont pas citoyens du pays où réside le consul, seront exempts de tous impôts, taxes, et contributions, à l'exception de ceux qu'ils seront obligés de payer à cause de leur commerce et de leurs propriétés, et auxquels sont assujettis les citoyens ou les habitants du pays ou ils résident, qu'ils soient natifs ou étrangers, étant, en outre, en tout soumis aux lois des états respectifs.

the respective States. The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any person, magistrate, or other public authority seize, or in any way interfere with them.

ARTICLE XXXVI.

The said consuls and vice-consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the ships-of-war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the consuls and vice-consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

ARTICLE XXXVII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a consular convention, which shall declare specially the powers and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXVIII.

It is agreed that the high contracting parties shall, on requisitions

Les archives at les papiers des consulats seront inviolablement respectés; et sous aucun prétexte ne sera-til permis à une personne, à un magistrat ou à une autorité publique quelconque de les saisir, ou de s'en mêler d'aucune façon.

ARTICLE XXXVI.

Les dits consuls et vice-consuls auront le pouvoir de requérir l'assistance des autorités du pays, à l'effet d'arrêter, de détenir et de faire garder en dépôt les déserteurs des navires de guerre et des navires marchands de leur pays. Pour cela, ils devront s'adresser aux tribunaux, juges et officiers compétents, et devront, par écrit, faire la demande de ces déserteurs en prouvant par l'exhibition des registres des navires, des rôles d'équipage ou d'autres documents officiels que de tels individus font partie de l'équipage. Et, la réclamation étant établie, la remise des déserteurs ne pourra pas être refusée. A leur arrestation, les déserteurs seront mis à la disposition des consuls et vice-consuls, et pourront être enfermés dans les prisons publiques à la requête et aux frais de ceux qui les auront réclamés, pour être en suite envoyés aux navires auxquels ils appartiennent, ou à tous autres navires du même pays. Mais si, dans les trois mois du jour de leur arrestation, il's n'étaient pas renvoyés chez eux, ils seront alors remis en liberté et ne pourront plus être arrêtés pour la même cause.

Consuls, &c., may have the aid of the local authorities to arrest, &c., deserters.

ARTICLE XXXVII.

En vue de protéger d'une manière plus efficace leur commerce et leur navigation, les deux parties contractantes conviennent, par les présentes, de conclure, aussitôt que les circonstances le permettront par la suite, une convention consulaire qui énoncera spécialement les pouvoirs et les immunités des consuls et des vice-consuls des parties respectives.

Consular convention to be had.

ARTICLE XXXVIII.

Il est convenu que les hautes parties contractantes, sur réquisi-

Surrender of fugitives from justice.

made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Proof required.

ARTICLE XXXIX.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning,) attempt to commit murder, piracy, rape, forgery, the counterfeiting of money, the utterance of forged paper, arson, robbery, and embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Crimes for which surrender shall be made.

ARTICLE XL.

The surrender shall be made, on the part of each country, only by the authority of the executive thereof. The expenses of the detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Surrender to be made only by the executive.

ARTICLE XLI.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver

Certain offences not included.

tions faites en leur nom par l'intermédiaire de leurs agents diplomatiques respectifs, devront livrer aux mains de la justice les personnes qui, accusées des crimes énumérés en l'article ci-après qu'elles auront commis dans l'étendue de la juridiction de la partie réquérante, se seront ensuite réfugiées ou auront été trouvées sur le territoire de l'autre; *pourvu* qu'il n'en soit ainsi que lorsque le fait de la perpération du crime soit tellement établi qu'il eût justifié leur prise de corps et leur mise en jugement si le crime avait été commis dans le pays où seront trouvées les personnes ainsi accusées. En tout quoi les tribunaux du dit pays procéderont et décideront suivant leurs propres lois.

ARTICLE XXXIX.

Seront livrées, conformément aux clauses du présent traité, les personnes qui seront accusées de l'un des crimes ci-après, à savoir: meurtre, (assassinat, parricide, infanticide et empoisonnement compris;) tentative de meurtre; piraterie, rapt, faux; contrefaçon de monnaie; mise en circulation de faux papiers; crime d'incendie; vol; ainsi que détournement pratiqué par des officiers publics ou par des personnes prises à gages ou salariées, au détriment de leurs patrons, quand ces crimes entraînent des peines infamantes.

ARTICLE XL.

La remise de l'accusé de la part de chaque pays, sera faite seulement par l'autorité exécutive et les frais de détention et de remise, faits en vertu des articles précédents, seront à la charge de la partie demanderesse.

ARTICLE XLI.

Les dispositions des articles précédents, relatives à l'extradition des crimnels fugitifs, ne s'appliqueront pas à des infractions commises avant la date des présentes, ni à celles ayant un caractère politique. Aucune des parties contractantes ne

up its own citizens under the provisions of this treaty.

ARTICLE XLII.

The present treaty shall remain in force for the term of eight years, dating from the exchange of ratifications; and if one year before the expiration of that period neither of the contracting parties shall have given notice to the other of its intention to terminate the same, it shall continue in force, from year to year, until one year after an official notification to terminate the same, as aforesaid.

ARTICLE XLIII.

The present treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

In faith whereof the respective plenipotentiaries have signed the foregoing articles, in the English and French languages, and they have hereunto affixed their seals.

Done, in duplicate, at the city of Port-au-Prince, this third day of November, in the year of our Lord one thousand eight hundred and sixty-four.

B. F. WHIDDEN. [L. S.]
BOYER BAZELAIS. [L. S.]

sera tenue, par ce traité, de délivrer ses propres citoyens.

ARTICLE XLII.

Le présent traité demeurera en vigueur pendant l'espace de huit années à partir de la date de l'échange des ratifications; et, si, un an avant l'expiration de cette période, ni l'une ni l'autre des parties contractantes ne notifie à l'autre son intention d'y mettre fin, le dit traité continuera à être en vigueur d'année en année, jusqu'au terme d'une année aprés notification officielle faite en vue d'y mettre fin, comme il est dit plus haut.

Treaty, how long to remain in force.

ARTICLE XLIII.

Le présent traité sera, des deux côtés, soumis à l'approbation et à la ratification des autorités compétentes respectives de chacune des parties contractantes, et les ratifications seront échangées à Washington, dans les six mois à partir de cette date, ou plustôt, si c'est possible.

En foi de quoi, les plénipotentiaires respectifs ont signé les articles ci-dessus, rédigés tant en anglais qu'en français, et y ont apposé leurs sceaux.

Fait double, en la ville du Port-au-Prince, le troisième jour de Novembre, de l'année de Notre Seigneur mil huit cent soixante quatre.

BOYER BAZELAIS. [L. S.]
B. F. WHIDDEN. [L. S.]

Ratifications, when to be exchanged.

Signatures.

And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same have been exchanged:

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

Exchange of ratifications.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this sixth day of July, in the year of our Lord one thousand eight hundred and sixty-five, and of the
[L. S.] Independence of the United States of America the ninetieth.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

APPENDIX.

No. 1.

Sept. 24, 1862. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS, it has become necessary to call into service not only volunteers but also portions of the militia of the states by draft in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure and from giving aid and comfort in various ways to the insurrection:

Rebels and their abettors within the United States to be subject to martial law.

Now, therefore, be it ordered, First.—That during the existing insurrection and as a necessary measure for suppressing the same, all rebels and insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by courts-martial or military commissions:

Habeas corpus suspended as to certain persons.

Second. — That the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement by any military authority or by the sentence of any court-martial or military commission.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of September,
[L. S.] in the year of our Lord one thousand eight hundred and sixty-two, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 2.

April 2, 1863. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS, in pursuance of the act of congress, approved July 13, 1861, I did, by Proclamation dated August 16, 1861, declare that the inhabitants of the

1861, ch. 3. Vol. xii. p. 257.

States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida, (except the inhabi-

tants of that part of Virginia lying west of the Alleghany Mountains and of such other parts of that state and the other states hereinbefore named as might maintain a legal adhesion to the Union and the Constitution, or might be, from time to time, occupied and controlled by forces of the United States engaged in the dispersion of said insurgents), were in a state of insurrection against the United States, and that all commercial intercourse between the same and the inhabitants thereof with the exceptions aforesaid, and the citizens of other states and other parts of the United States was unlawful, and would remain unlawful, until such insurrection should cease or be suppressed, and that all goods and chattels, wares and merchandise, coming from any of said states, with the exceptions aforesaid, into other parts of the United States, without the license and permission of the President, through the Secretary of the Treasury, or proceeding to any of said States, with the exceptions aforesaid, by land or water, together with the vessel or vehicle conveying the same to or from said states, with the exceptions aforesaid, would be forfeited to the United States: Vol. xii. p. 1262.

And whereas, experience has shown that the exceptions made in and by said Proclamation embarrass the due enforcement of said act of July 13, 1861, and the proper regulation of the commercial intercourse authorized by said act with the loyal citizens of said states:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby revoke the said exceptions, and declare that the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia, (except the forty-eight counties of Virginia designated as West Virginia, and except, also, the ports of New Orleans, Key West, Port Royal, and Beaufort in North Carolina,) are in a state of insurrection against the United States, and that all commercial intercourse not licensed and conducted as provided in said act between the said states and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other states and other parts of the United States, is unlawful, and will remain unlawful, until such insurrection shall cease or has been suppressed, and notice thereof has been duly given by Proclamation; and all cotton, tobacco, and other products, and all other goods and chattels, wares and merchandise, coming from any of said states, with the exceptions aforesaid, into other parts of the United States, or proceeding to any of said states, with the exceptions aforesaid, without the license and permission of the President, through the Secretary of the Treasury, will, together with the vessel or vehicle conveying the same, be forfeited to the United States.

Exceptions in proclamation revoked.

Inhabitants of certain states declared to be in insurrection.

Commercial intercourse prohibited, except, &c.

Cotton and other products, &c., forfeited, unless, &c.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of April, A. D. eighteen [L. S.] hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 3.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: April 20, 1863.

A PROCLAMATION.

WHEREAS, by the act of congress approved the 31st day of December, last, the State of West Virginia was declared to be one of the United States of America, and was admitted into the Union on an equal footing with the original states in all respects whatever, upon the condition that certain changes should be duly made in the proposed constitution for that state: Preamble. 1862, ch. 6. Vol. xii. p. 633.

And whereas proof of a compliance with that condition, as required by the second section of the act aforesaid, has been submitted to me:

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States, do hereby, in pursuance of the act of congress aforesaid, declare and proclaim that the said act shall take effect and be in force from and after sixty days from the date hereof. Act admitting West Virginia as a State, to be in force in sixty days from, &c.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of April, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 4.

May 8, 1863. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

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

WHEREAS, The congress of the United States at its last session enacted a law entitled "An act for enrolling and calling out the national forces, and for other purposes," which was approved on the 3d day of March last; and

Whereas, It is recited in the said act that there now exists in the United States an insurrection and rebellion against the authority thereof, and it is, under the Constitution of the United States, the duty of the government to suppress insurrection and rebellion, to guarantee to each state a republican form of government, and to preserve the public tranquillity; and

Whereas, For these high purposes a military force is indispensable, to raise and support which all persons ought willingly to contribute; and

Whereas, No service can be more praiseworthy and honorable than that which is rendered for the maintenance of the Constitution and Union, and the consequent preservation of free government; and

Whereas, For the reasons thus recited, it was enacted by the said statute that all able-bodied male citizens of the United States and persons of foreign birth who shall have declared on oath their intention to become citizens under and in pursuance of the laws thereof, between the ages of twenty and forty-five years, (with certain exceptions not necessary to be here mentioned,) are declared to constitute the national forces, and shall be liable to perform military duty in the service of the United States, when called out by the President for that purpose; and

Whereas, It is claimed by and in behalf of persons of foreign birth within the ages specified in said act who have heretofore declared on oath their intentions to become citizens under and in pursuance of the laws of the United States, and who have not exercised the right of suffrage or any other political franchise under the laws of the United States, or of any of the states thereof, that they are not absolutely concluded by their aforesaid declaration of intention from renouncing their purpose to become citizens, and that, on the contrary, such persons under treaties or the law of nations retain a right to renounce that purpose and to forego the privileges of citizenship and residence within the United States under the obligations imposed by the aforesaid act of congress:

Plea of alienage not to be allowed to exempt, &c.

Now, therefore, to avoid all misapprehensions concerning the liability of persons concerned to perform the service required by such enactment, and to give it full effect, I do hereby order and proclaim that no plea of alienage will be received or allowed to exempt from the obligations imposed by the aforesaid act of congress, any person of foreign birth who shall have declared on oath his intention to become a citizen of the United States under the laws thereof, and who shall be found within the United States at any time during the continuance of the present insurrection and rebellion, at or after the expiration of the period of sixty-five days from the date of this Proclamation, nor shall any such plea of alienage be allowed in favor of any such person who has so, as aforesaid, declared his intention to become a citizen of the United States, and shall have exercised at any time the right of suffrage, or any other political franchise, within the United States, under the laws thereof, or under the laws of any of the several states.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighth day of May, in the year of
[L. S.] our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 5.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 15, 1863.

A PROCLAMATION.

WHEREAS, the armed insurrectionary combinations now existing in several of the states are threatening to make inroads into the States of Maryland, Western Virginia, Pennsylvania, and Ohio, requiring immediately an additional military force for the service of the United States: Preamble.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States and Commander-in-Chief of the Army and Navy thereof, and of the militia of the several states when called into actual service, do hereby call into the service of the United States one hundred thousand militia from the states following, namely: from the State of Maryland, ten thousand; from the State of Pennsylvania, fifty thousand; from the State of Ohio, thirty thousand; from the State of West Virginia, ten thousand, to be mustered into the service of the United States forthwith, and to serve for the period of six months from the date of such muster into said service, unless sooner discharged; to be mustered in as infantry, artillery, and cavalry, in proportions which will be made known through the War Department, which department will also designate the several places of rendezvous. These militia to be organized according to the rules and regulations of the volunteer service and such orders as may hereafter be issued. The states aforesaid will be respectively credited under the enrolment act for the militia services rendered under this proclamation. One hundred thousand militia called into service for six months, unless, &c., from — Maryland. Pennsylvania. Ohio. West Virginia How to be mustered. Places of rendezvous. How organized. States to be credited.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this fifteenth day of June, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 6.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 15, 1863.

A PROCLAMATION.

IT has pleased Almighty God to hearken to the supplications and prayers of an afflicted people, and to vouchsafe to the Army and the Navy of the United States victories on land and on the sea so signal and so effective as to furnish reasonable grounds for augmented confidence that the Union of these states will be maintained, their Constitution preserved, and their peace and prosperity permanently restored. But these victories have been accorded not without sacrifices of life, limb, health, and liberty, incurred by brave, loyal, and patriotic citizens. Domestic affliction in every part of the country follows in the train of these fearful bereavements. It is meet and right to recognize and confess the presence of the Almighty Father and the power of His hand equally in these triumphs and in these sorrows. Preamble.

Day of national thanksgiving, praise, and prayer appointed.

Now, therefore, be it known that I do set apart Thursday, the 6th day of August next, to be observed as a day for National Thanksgiving, Praise, and Prayer, and I invite the people of the United States to assemble on that occasion in their customary places of worship, and, in the forms approved by their own consciences, render the homage due to the Divine Majesty for the wonderful things He has done in the nation's behalf, and invoke the influence of His Holy Spirit to subdue the anger which has produced and so long sustained a needless and cruel rebellion, to change the hearts of the insurgents, to guide the counsels of the government with wisdom adequate to so great a national emergency, and to visit with tender care and consolation throughout the length and breadth of our land all those who, through the vicissitudes of marches, voyages, battles, and sieges, have been brought to suffer in mind, body, or estate, and finally to lead the whole nation, through the paths of repentance and submission to the Divine Will, back to the perfect enjoyment of union and fraternal peace.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifteenth day of July, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 7.

Sept. 15, 1863.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

1863, ch. 81. Vol. xii. p. 755.

WHEREAS, the Constitution of the United States has ordained that the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it; and whereas, a rebellion was existing on the third day of March, 1863, which rebellion is still existing; and whereas, by a statute which was approved on that day, it was enacted by the Senate and House of Representatives of the United States, in congress assembled, that during the present insurrection, the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof; and whereas, in the judgment of the President, the public safety does require that the privilege of the said writ shall now be suspended throughout the United States in the cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen enrolled or drafted or mustered or enlisted in, or belonging to, the land or naval forces of the United States, or as deserters therefrom, or otherwise amenable to military law, or the rules and articles of war, or the rules or regulations prescribed for the military or naval services by authority of the President of the United States, or for resisting a draft, or for any other offence against the military or naval service:

Writ of habeas corpus suspended.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby proclaim and make known to all whom it may concern, that the privilege of the writ of habeas corpus is suspended throughout the United States in the several cases before mentioned, and that this suspension will continue throughout the duration of the said rebellion, or until this proclamation shall, by a subsequent one to be issued by the President of the United States, be modified or revoked. And I do hereby require all magistrates, attorneys, and other civil officers within the United States, and all officers and others in the military and naval services of the United States, to take distinct notice of this suspension, and to give it full effect, and all citizens of the United States to conduct and govern

themselves accordingly, and in conformity with the constitution of the United States and the laws of congress in such case made and provided.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed, this fifteenth day of September, in [L. S.] the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 8.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Sept. 24, 1863.

A PROCLAMATION.

Preamble.

WHEREAS, in my proclamation of the twenty-seventh of April, 1861, the ports of the States of Virginia and North Carolina were, for reasons therein set forth, placed under blockade; and whereas the port of Alexandria, Virginia, has since been blockaded, but as the blockade of said port may now be safely relaxed with advantage to the interests of commerce:

Commercial intercourse with Alexandria permitted, subject, &c.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States, pursuant to the authority in me vested by the fifth section of the act of congress, approved on the 13th of July, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," do hereby declare that the blockade of the said port of Alexandria shall so far cease and determine, from and after this date, that commercial intercourse with said port, except as to persons, things, and information contraband of war, may from this date be carried on, subject to the laws of the United States, and to the limitations and in pursuance of the regulations which are prescribed by the Secretary of the Treasury in his order which is appended to my proclamation of the 12th of May, 1862.

1861, ch. 3, § 5. Vol. xii. p. 257.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of September, in [L. S.] the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 9.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Oct. 3, 1863.

A PROCLAMATION.

Day of thanksgiving and praise set apart.

THE year that is drawing toward its close has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added, which are of so extraordinary a nature that they cannot fail to penetrate and soften the heart which is habitually insensible to the ever-watchful providence of Almighty God.

In the midst of a civil war of unequalled magnitude and severity, which has sometimes seemed to foreign states to invite and provoke their aggressions, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere,

except in the theatre of military conflict; while that theatre has been greatly contracted by the advancing armies and navies of the Union.

Needful diversions of wealth and of strength from the fields of peaceful industry to the national defence have not arrested the plough, the shuttle, or the ship; the axe has enlarged the borders of our settlements, and the mines, as well of iron and coal as of the precious metals, have yielded even more abundantly than heretofore. Population has steadily increased, notwithstanding the waste that has been made in the camp, the siege, and the battle-field, and the country, rejoicing in the consciousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom.

No human counsel hath devised, nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy.

It has seemed to me fit and proper that they should be solemnly, reverently, and gratefully acknowledged as with one heart and one voice by the whole American people. I do, therefore, invite my fellow-citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next as a Day of Thanksgiving and Praise to our beneficent Father who dwelleth in the heavens. And I recommend to them that, while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners, or sufferers, in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty hand to heal the wounds of the nation, and to restore it, as soon as may be consistent with the Divine purposes, to the full enjoyment of peace, harmony, tranquillity, and union.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this third day of October, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 10.

Oct. 17, 1863. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. WHEREAS, the term of service of a part of the volunteer forces of the United States will expire during the coming year; and whereas, in addition to the men raised by the present draft, it is deemed expedient to call out three hundred thousand volunteers to serve for three years or the war, not however exceeding three years:

Three hundred thousand men called for. Now, therefore, I, ABRAHAM LINCOLN, President of the United States and Commander-in-Chief of the Army and Navy thereof, and of the militia of the several states when called into actual service, do issue this my proclamation, calling upon the governors of the different states to raise and have enlisted into the United States service, for the various companies and regiments in the field from their respective states, their quotas of three hundred thousand men.

Volunteers to receive advance pay, bounty, &c. I further proclaim that all volunteers thus called out and duly enlisted shall receive advance pay, premium, and bounty, as heretofore communicated to the governors of states by the War Department, through the provost-marshal general's office, by special letters.

to be credited to state. I further proclaim that all volunteers received under this call, as well as all others not heretofore credited, shall be duly credited on, and deducted from, the quotas established for the next draft.

I further proclaim that if any state shall fail to raise the quota assigned to it by the War Department under this call, then a draft for the deficiency in said quota shall be made on said state, or on the districts of said state, for their due proportion of said quota; and the said draft shall commence on the fifth day of January, 1864. If state fails to raise its quota, deficiency to be filled by draft.

And I further proclaim that nothing in this proclamation shall interfere with existing orders, or those which may be issued, for the present draft in the states where it is now in progress, or where it has not yet commenced. Existing orders not interfered with.

The quotas of the states and districts will be assigned by the War Department, through the provost-marshal general's office, due regard being had for the men heretofore furnished, whether by volunteering or drafting, and the recruiting will be conducted in accordance with such instructions as have been or may be issued by that department. Quotas of states and districts.

In issuing this proclamation, I address myself not only to the governors of the several states, but also to the good and loyal people thereof, invoking them to lend their willing, cheerful, and effective aid to the measures thus adopted, with a view to reinforce our victorious armies now in the field, and bring our needful military operations to a prosperous end, thus closing forever the fountains of sedition and civil war.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of October, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 11.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Dec. 8, 1863.

Post, p. 758.

A PROCLAMATION.

WHEREAS, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;" and Preamble.

Whereas, a rebellion now exists whereby the loyal state governments of several states have for a long time been subverted, and many persons have committed, and are now guilty of, treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any state or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas, the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal state governments within and for their respective states: Therefore —

I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall Pardon granted to those in rebellion upon condition, &c.

take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit: —

Form of oath.

"I, ——— ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by congress, or by decision of the supreme court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the supreme court. So help me God."

Persons excepted from amnesty.

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called Confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called Confederate government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States congress to aid the rebellion; all who resigned commissions in the army or navy of the United States and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

Reëstablishment of state government in certain states.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one tenth in number of the votes cast in such state at the presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the state existing immediately before the so-called act of secession, and excluding all others, shall reëstablish a state government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the state, and the state shall receive thereunder the benefits of the constitutional provision which declares that "the United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence."

Provision as to freed men.

And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of such state, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.

Name, &c., of state to be retained.

And it is suggested as not improper that, in constructing a loyal state government in any state, the name of the state, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new state government.

Proclamation does not refer to certain loyal states, &c.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to state governments, has no reference to states wherein loyal state governments have all the while been maintained. And, for the same reason, it may be proper to further say, that whether members sent to congress from any state shall be admitted to seats constitutionally rests exclusively with the respective houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the states wherein the national authority has been suspended, and loyal state governments have been subverted, a mode in and by which the national authority and loyal state governments may be reëstablished within said states, or in any of them; and, while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington the eighth day of De-

[L. S.] cember, A. D. one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 12.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Dec. 16, 1863.

A PROCLAMATION.

Preamble.

1828, ch. iii. Vol. iv. p. 308.

WHEREAS, by an act of the congress of the United States of the 24th of May, one thousand eight hundred and twenty-eight, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States, by the government of any foreign nation, *that* no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued, so far as respects the vessels of the said foreign nation, and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer;

And whereas, satisfactory evidence has lately been received by me, through an official communication of Señor Don Luis Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, under date of the 28th of November, 1863, that no other or higher duties of tonnage and impost have been imposed or levied since the second day of August, 1838, in the ports of Nicaragua, upon vessels wholly belonging to citizens of the United States, and upon the produce, manufactures, or merchandise imported in the same from the United States, and from any foreign country whatever, than are levied on Nicaraguan ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of Nicaragua, and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Nicaragua, and from any other foreign country whatever; the said suspension to take effect from the day above mentioned, and to continue thenceforward, so long as the reciprocal exemption of the vessels of the United States, and the produce, manufactures, and merchandise imported into the dominions of Nicaragua in the same, as aforesaid, shall be continued on the part of the government of Nicaragua.

Discriminating duties of tonnage, &c., as respects vessels of Nicaragua discontinued.

Given under my hand at the city of Washington, the sixteenth day of

[L. S.] December, in the year of our Lord one thousand eight hundred and sixty-three, and the eighty-eighth of the Independence of the United States.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 13.

Feb. 18, 1864. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. Vol. xii. p. 1258.

WHEREAS, by my proclamation of the nineteenth of April, one thousand eight hundred and sixty-one, the ports of the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas were, for reasons therein set forth, placed under blockade; and whereas, the port of Brownsville, in the district of Brazos Santiago, in the State of Texas, has since been blockaded, but as the blockade of said port may now be safely relaxed with advantage to the interests of commerce:

Blockade of Brownsville to cease — so far that, &c. 1861, ch. 3, § 5. Vol. xii. p. 257.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States, pursuant to the authority in me vested by the fifth section of the act of congress, approved on the 13th of July, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," do hereby declare that the blockade of the said port of Brownsville shall so far cease and determine from and after this date, that commercial intercourse with said port, except as to persons, things, and information hereinafter specified, may, from this date, be carried on, subject to the laws of the United States, to the regulations prescribed by the Secretary of the Treasury, and, until the rebellion shall have been suppressed, to such orders as may be promulgated by the general commanding the department, or by an officer duly authorized by him and commanding at said port. This proclamation does not authorize or allow the shipment or conveyance of persons in, or intending to enter, the service of the insurgents, or of things or information intended for their use, or for their aid or comfort, nor, except upon the permission of the Secretary of War, or of some officer duly authorized by him, of the following prohibited articles, namely: cannon, mortars, firearms, pistols, bombs, grenades, powder, saltpetre, sulphur, balls, bullets, pikes, swords, boarding-caps, (always excepting the quantity of the said articles which may be necessary for the defence of the ship and those who compose the crew,) saddles, bridles, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sailcloth of all kinds, hemp and cordage, intoxicating drinks, other than beer and light native wines.

Certain shipments, &c., not allowed.

List of prohibited articles.

Licenses to vessels from foreign ports.

To vessels clearing from foreign ports and destined to the port of Brownsville, opened by this proclamation, licenses will be granted by consuls of the United States upon satisfactory evidence that the vessel so licensed will convey no persons, property, or information excepted or prohibited above, either to or from the said port; which licenses shall be exhibited to the collector of said port immediately on arrival, and, if required, to any officer in charge of the blockade; and on leaving said port every vessel will be required to have a clearance from the collector of the customs, according to law, showing no violation of the conditions of the license. Any violations of said conditions will involve the forfeiture and condemnation of the vessel and cargo, and the exclusion of all parties concerned from any further privilege of entering the United States during the war for any purpose whatever.

Violation of conditions to work forfeiture.

In all respects, except as herein specified, the existing blockade remains in full force and effect as hitherto established and maintained, nor is it relaxed by this proclamation except in regard to the port to which relaxation is or has been expressly applied.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighteenth day of February, in the [L. S.] year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 14.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: March 26, 1864.

Post, p. 758.

A PROCLAMATION.

Preamble.

WHEREAS, it has become necessary to define the cases in which insurgent enemies are entitled to the benefits of the proclamation of the President of the United States, which was made on the eighth day of December, 1863, and the manner in which they shall proceed to avail themselves of those benefits; *Ante*, p. 737.

And whereas the objects of that proclamation were to suppress the insurrection and to restore the authority of the United States; and whereas the amnesty therein proposed by the President was offered with reference to these objects alone:

Amnesty proclamation does not apply to persons in custody.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, do hereby proclaim and declare that the said proclamation does not apply to the cases of persons who, at the time when they seek to obtain the benefits thereof by taking the oath thereby prescribed, are in military, naval, or civil confinement or custody, or under bonds, or on parole of the civil, military, or naval authorities, or agents of the United States, as prisoners of war, or persons detained for offences of any kind, either before or after conviction, and that on the contrary, it does apply only to those persons who, being yet at large, and free from any arrest, confinement, or duress, shall voluntarily come forward and take the said oath, with the purpose of restoring peace and establishing the national authority.

Prisoners may apply to the President for clemency.

Prisoners excluded from the amnesty offered in the said proclamation may apply to the President for clemency, like all other offenders, and their application will receive due consideration.

Oath may be taken before whom.

I do further declare and proclaim that the oath prescribed in the aforesaid proclamation of the 8th of December, 1863, may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a state or territory not in insurrection, who, by the laws thereof, may be qualified for administering oaths.

Certificates.

All officers who receive such oaths are hereby authorized to give certificates thereon to the persons respectively by whom they are made, and such officers are hereby required to transmit the original records of such oaths at as early a day as may be convenient, to the Department of State, where they will be deposited and remain in the archives of the government.

Registry of certificates.

The Secretary of State will keep a register thereof, and will, on application, in proper cases, issue certificates of such records in the customary form of official certificates.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, the twenty-sixth day of March, in the [L. S.] year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 15.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA. May 19, 1864.

TO ALL WHOM IT MAY CONCERN:

AN exequatur bearing date the third day of May, 1850, having been issued to Charles Hunt, a citizen of the United States, recognizing him as Consul of Belgium, for St. Louis, Missouri, and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to the consuls of the most

Exequatur of Charles Hunt, consul for Belgium at St. Louis, revoked.

favored nations in the United States; and the said Hunt having sought to screen himself from his military duty to his country in consequence of thus being invested with the consular functions of a foreign power in the United States, it is deemed advisable that the said Charles Hunt should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are, therefore, to declare, that I no longer recognize the said Charles Hunt as Consul of Belgium for Saint Louis, Missouri, and will not permit to exercise or enjoy any of the functions, powers, or privileges allowed to consuls of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void, from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed.

Given under my hand at Washington, this nineteenth day of May, in
[L. S.] the year of our Lord one thousand eight hundred and sixty-four, and the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 16.

July 5, 1864. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.
Vol. xii. p. 1258.

WHEREAS, by a proclamation which was issued on the 15th day of April, 1861, the President of the United States announced and declared that the laws of the United States had been for some time past, and then were, opposed, and the execution thereof obstructed, in certain states therein mentioned, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law;

And whereas, immediately after the issuing of the said proclamation, the land and naval forces of the United States were put into activity to suppress the said insurrection and rebellion;

1863, ch. 81.
Vol. xii. p. 755.

And whereas the congress of the United States, by an act approved on the 3d day of March, 1863, did enact that during the said rebellion the President of the United States, whenever in his judgment the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or in any part thereof;

And whereas the said insurrection and rebellion still continue, endangering the existence of the constitution and government of the United States;

And whereas the military forces of the United States are now actively engaged in suppressing the said insurrection and rebellion in various parts of the states where the said rebellion has been successful in obstructing the laws and public authorities, especially in the States of Virginia and Georgia:

Ante, p. 734.

And whereas, on the fifteenth day of September last, the President of the United States duly issued his proclamation, wherein he declared that the privilege of the writ of habeas corpus should be suspended throughout the United States in the cases where, by the authority of the President of the United States, military, naval, and civil officers of the United States, or any of them, hold persons under their command or in their custody, either as prisoners of war, spies, or aiders or abettors of the enemy, or officers, soldiers, or seamen enrolled or drafted or mustered or enlisted in, or belonging to, the land or naval forces of the United States, or as deserters therefrom, or otherwise amenable to military law or the rules and articles of war, or the rules or regulations prescribed for the military or naval services by authority of the President of the United States, or for resisting a draft, or for any other offence against the military or naval service;

And whereas many citizens of the State of Kentucky have joined the forces of the insurgents, and such insurgents have on several occasions entered the

said State of Kentucky in large force, and, not without aid and comfort furnished by disaffected and disloyal citizens of the United States residing therein, have not only greatly disturbed the public peace, but have overborne the civil authorities and made flagrant civil war, destroying property and life in various parts of that state;

And whereas it has been made known to the President of the United States by the officers commanding the national armies, that combinations have been formed in the said State of Kentucky with a purpose of inciting rebel forces to renew the said operations of civil war within the said state, and thereby to embarrass the United States armies now operating in the said States of Virginia and Georgia, and even to endanger their safety:

Writ of habeas corpus suspended and martial law established in Kentucky.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the authority vested in me by the constitution and laws, do hereby declare that, in my judgment, the public safety especially requires that the suspension of the privilege of the writ of habeas corpus, so proclaimed in the said proclamation of the 15th of September, 1863, be made effectual and be duly enforced in and throughout the said State of Kentucky, and that martial law be for the present established therein. I do, therefore, hereby require of the military officers in the said state that the privileges of the writ of habeas corpus be effectually suspended within the said state, according to the aforesaid proclamation, and that martial law be established therein, to take effect from the date of this proclamation, the said suspension and establishment of martial law to continue until this proclamation shall be revoked or modified, but not beyond the period when the said rebellion shall have been suppressed or come to an end. And I do hereby require and command, as well all military officers as all civil officers and authorities existing or found within the said State of Kentucky, to take notice of this proclamation, and to give full effect to the same.

Post, p. 773.

Lawful elections and proceedings of legislature not interfered with.

The martial law herein proclaimed, and the things in that respect herein ordered, will not be deemed or taken to interfere with the holding of lawful elections, or with the proceedings of the constitutional legislature of Kentucky, or with the administration of justice in the courts of law existing therein between citizens of the United States in suits or proceedings which do not affect the military operations or the constituted authorities of the government of the United States.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this fifth day of July, in the year of our [L. S.] Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 17.

BY THE PRESIDENT OF THE UNITED STATES: July 7, 1864.

A PROCLAMATION.

Preamble.

WHEREAS the Senate and House of Representatives, at their last session, adopted a concurrent resolution, which was approved on the second day of July instant, and which was in the words following, namely:

Ante, p. 415.

"That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the executive departments to unite with him as chief magistrate of the nation, at the city of Washington, and the members of congress, and all magistrates, all civil, military, and naval officers, all soldiers, sailors, and marines, with all loyal and law-abiding people, to convene at their usual places of worship, or wherever they may be, to confess and to repent of their manifold sins; to implore the compassion and forgiveness of the Almighty, that, if consistent with His will, the existing rebellion may be speedily suppressed, and the supremacy of the constitution and laws of the United States may be established throughout all the states; to implore Him, as the Supreme

Ruler of the world, not to destroy us as a people, nor suffer us to be destroyed by the hostility or connivance of other nations, or by obstinate adhesion to our own counsels, which may be in conflict with His eternal purposes, and to implore Him to enlighten the mind of the nation to know and do His will, humbly believing that it is in accordance with His will that our place should be maintained as a united people among the family of nations; to implore Him to grant to our armed defenders and the masses of the people that courage, power of resistance, and endurance necessary to secure that result; to implore Him in His infinite goodness to soften the hearts, enlighten the minds, and quicken the consciences of those in rebellion, that they may lay down their arms and speedily return to their allegiance to the United States, that they may not be utterly destroyed, that the effusion of blood may be stayed, and that unity and fraternity may be restored, and peace established throughout all our borders:"

Day of national humiliation and prayer appointed.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, cordially concurring with the congress of the United States in the penitential and pious sentiments expressed in the aforesaid resolution, and heartily approving of the devotional design and purpose thereof, do hereby appoint the first Thursday of August next to be observed by the people of the United States as a day of national humiliation and prayer.

I do hereby further invite and request the heads of the executive departments of this government, together with all legislators, all judges and magistrates, and all other persons exercising authority in the land, whether civil, military, or naval, and all soldiers, seamen, and marines in the national service, and all the other loyal and law-abiding people of the United States, to assemble in their preferred places of public worship on that day, and there and then to render to the Almighty and Merciful Ruler of the universe such homages and such confessions, and to offer to Him such supplications as the congress of the United States have, in their aforesaid resolution, so solemnly, so earnestly, and so reverently recommended.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventh day of July, in the year of [L. S.] our Lord, one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 18.

July 8, 1864.

BY THE PRESIDENT OF THE UNITED STATES:

A PROCLAMATION.

Preamble.

WHEREAS, at the late session, congress passed a bill to "guarantee to certain states, whose governments have been usurped or overthrown, a republican form of government," a copy of which is hereunto annexed;

And whereas the said bill was presented to the President of the United States for his approval less than one hour before the *sine die* adjournment of said session, and was not signed by him;

And whereas the said bill contains, among other things, a plan for restoring the states in rebellion to their proper practical relation in the Union, which plan expresses the sense of congress upon that subject, and which plan it is now thought fit to lay before the people for their consideration:

Declaration of opinion as to the plan of restoration of the states in rebellion.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known, that, while I am (as I was in December last, when by proclamation I propounded a plan for restoration) unprepared by a formal approval of this bill, to be inflexibly committed to any single plan of restoration; and, while I am also unprepared to declare that the free state constitutions and governments already adopted and installed in Arkansas and Louisiana shall be set aside and held for nought, thereby repelling and discouraging the loyal citizens who have set up the same as to further effort, or to declare a constitutional competency in congress to abolish slavery in states, but am at the

same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the nation may be adopted, nevertheless I am fully satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any state choosing to adopt it, and that I am, and at all times shall be, prepared to give the executive aid and assistance to any such people, so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the constitution and the laws of the United States, in which cases military governors will be appointed, with directions to proceed according to the bill.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of July, in the year of our
[L. S.] Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

A Bill to guarantee to certain States whose Governments have been usurped or overthrown a Republican Form of Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the states declared in rebellion against the United States, the President shall, by and with the advice and consent of the Senate, appoint for each a provisional governor, whose pay and emoluments shall not exceed that of a brigadier-general of volunteers, who shall be charged with the civil administration of such state until a state government therein shall be recognized as hereinafter provided. Provisional governor for states declared in rebellion.

SEC. 2. *And be it further enacted*, That so soon as the military resistance to the United States shall have been suppressed in any such state, and the people thereof shall have sufficiently returned to their obedience to the constitution and the laws of the United States, the provisional governor shall direct the marshal of the United States, as speedily as may be, to name a sufficient number of deputies, and to enroll all white male citizens of the United States, resident in the state in their respective counties, and to request each one to take the oath to support the constitution of the United States, and in his enrolment to designate those who take and those who refuse to take that oath, which rolls shall be forthwith returned to the provisional governor; and if the persons taking that oath shall amount to a majority of the persons enrolled in the state, he shall, by proclamation, invite the loyal people of the state to elect delegates to a convention charged to declare the will of the people of the state relative to the reëstablishment of a state government subject to, and in conformity with, the constitution of the United States. Provisional governor to direct an enrolment of white male citizens, &c. Election of delegates to a convention.

SEC. 3. *And be it further enacted*, That the convention shall consist of as many members as both houses of the last constitutional state legislature, apportioned by the provisional governor among the counties, parishes, or districts of the state, in proportion to the white population, returned as electors, by the marshal, in compliance with the provisions of this act. The provisional governor shall, by proclamation, declare the number of delegates to be elected by each county, parish, or election district; name a day of election not less than thirty days thereafter; designate the places of voting in each county, parish, or district, conforming as nearly as may be convenient to the places used in the state elections next preceding the rebellion; appoint one or more commissioners to hold the election at each place of voting, and provide an adequate force to keep the peace during the election. Members of convention, apportionment, &c. Time and place of election.

SEC. 4. *And be it further enacted*, That the delegates shall be elected by the loyal white male citizens of the United States of the age of twenty-one years, and resident at the time in the county, parish, or district in which they shall offer to vote, and enrolled as aforesaid, or absent in the military service of the United States, and who shall take and subscribe the oath of allegiance to the United States in the form contained in the act of congress of July two, eighteen hundred and sixty-two; and all such citizens of the United States who are in the military service of the United States shall vote at the head-quarters of their respective commands, under such regulations as may be prescribed by the pro- Who may vote in the election of delegates. 1862, ch. 128. Vol. xii. p. 502.

visional governor for the taking and return of their votes; but no person who has held or exercised any office, civil or military, state or confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States, shall vote, or be eligible to be elected as delegate, at such election.

Commissioners of election to act, &c.

SEC. 5. *And be it further enacted*, That the said commissioners, or either of them, shall hold the election in conformity with this act, and, so far as may be consistent therewith, shall proceed in the manner used in the state prior to the rebellion.

Oath of allegiance, how and to whom administered.

The oath of allegiance shall be taken and subscribed on the poll-book by every voter in the form above prescribed, but every person known by, or proved to, the commissioners to have held or exercised any office, civil or military, state or confederate, under the rebel usurpation, or to have voluntarily borne arms against the United States, shall be excluded, though he offer to take the oath; and in case any person who shall have borne arms against the United States shall offer to vote he shall be deemed to have borne arms voluntarily unless he shall prove the contrary by the testimony of a qualified voter.

Poll-book.

The poll-book, showing the name and oath of each voter, shall be returned to the provisional governor by the commissioners of election or the one acting, and the provisional governor shall canvass such returns, and declare the person having the highest number of votes elected.

Governor to convene the delegates, to administer the oath, and preside.

SEC. 6. *And be it further enacted*, That the provisional governor shall, by proclamation, convene the delegates elected as aforesaid, at the capital of the state, on a day not more than three months after the election, giving at least thirty days' notice of such day. In case the said capital shall in his judgment be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the convention, and administer to each delegate, before taking his seat in the convention, the oath of allegiance to the United States in the form above prescribed.

Duty of convention.

SEC. 7. *And be it further enacted*, That the convention shall declare, on behalf of the people of the state, their submission to the constitution and laws of the United States, and shall adopt the following provisions, hereby prescribed by the United States in the execution of the constitutional duty to guarantee a republican form of government to every state, and incorporate them in the constitution of the state, that is to say:

Fundamental provisions of constitution.

First. No person who has held or exercised any office, civil or military, except offices merely ministerial, and military offices below the grade of colonel, state or confederate, under the usurping power, shall vote for or be a member of the legislature, or governor.

Second. Involuntary servitude is forever prohibited, and the freedom of all persons is guaranteed in said state.

Third. No debt, state or confederate, created by or under the sanction of the usurping power, shall be recognized or paid by the state.

Constitution, &c., when adopted to be submitted to the people.

SEC. 8. *And be it further enacted*, That when the convention shall have adopted those provisions, it shall proceed to reëstablish a republican form of government, and ordain a constitution containing those provisions, which, when adopted, the convention shall by ordinance provide for submitting to the people of the state, entitled to vote under this law, at an election to be held in the manner prescribed by the act for the election of delegates; but at a time and place named by the convention, at which election the said electors, and none others, shall vote directly for or against such constitution and form of state government, and the returns of said election shall be made to the provisional governor, who shall canvass the same in the presence of the electors, and if a majority of the votes cast shall be for the constitution and form of government, he shall certify the same, with a copy thereof, to the President of the United States, who, after obtaining the assent of congress, shall, by proclamation, recognize the government so established, and none other, as the constitutional government of the state, and from the date of such recognition, and not before, Senators and Representatives, and electors for President and Vice-President may be elected in such state, according to the laws of the state and of the United States.

If convention refuse to reëstablish the state government on those conditions, governor to dissolve it.

Another convention.

SEC. 9. *And be it further enacted*, That if the convention shall refuse to reëstablish the state government on the conditions aforesaid, the provisional governor shall declare it dissolved; but it shall be the duty of the President, whenever he shall have reason to believe that a sufficient number of the people of the state entitled to vote under this act, in number not less than a majority of those enrolled, as aforesaid, are willing to reëstablish a state government on the conditions aforesaid, to direct the provisional governor to order another election of delegates to a convention for the purpose and in the manner prescribed in this act, and to proceed in all respects as hereinbefore provided, either to dissolve

the convention, or to certify the state government reëstablished by it to the President.

Provisional governor to enforce laws until, &c.;

SEC. 10. *And be it further enacted*, That, until the United States shall have recognized a republican form of state government, the provisional governor in each of said states shall see that this act, and the laws of the United States, and the laws of the state in force when the state government was overthrown by the rebellion, are faithfully executed within the state; but no law or usage whereby any person was heretofore held in involuntary servitude shall be recognized or enforced by any court or officer in such state, and the laws for the trial and punishment of white persons shall extend to all persons, and jurors shall have the qualifications of voters under this law for delegates to the convention. The President shall appoint such officers provided for by the laws of the state when its government was overthrown as he may find necessary to the civil administration of the state, all which officers shall be entitled to receive the fees and emoluments provided by the state laws for such officers.

to assess, levy, and collect taxes.

SEC. 11. *And be it further enacted*, That until the recognition of a state government as aforesaid, the provisional governor shall, under such regulations as he may prescribe, cause to be assessed, levied, and collected, for the year eighteen hundred and sixty-four, and every year thereafter, the taxes provided by the laws of such state to be levied during the fiscal year preceding the overthrow of the state government thereof, in the manner prescribed by the laws of the state, as nearly as may be; and the officers appointed, as aforesaid, are vested with all powers of levying and collecting such taxes, by distress or sale, as were vested in any officers or tribunal of the state government aforesaid for those purposes. The proceeds of such taxes shall be accounted for to the provisional governor, and be by him applied to the expenses of the administration of the laws in such state, subject to the direction of the President, and the surplus shall be deposited in the treasury of the United States to the credit of such state, to be paid to the state upon an appropriation therefor, to be made when a republican form of government shall be recognized therein by the United States.

Persons held to involuntary servitude, &c., to be free.

SEC. 12. *And be it further enacted*, That all persons held to involuntary servitude or labor in the states aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such persons or their posterity shall be restrained of liberty, under pretence of any claim to such service or labor, the courts of the United States shall, on habeas corpus, discharge them.

Penalty for restraining of liberty any one freed by this act, &c., with intent, &c.

SEC. 13. *And be it further enacted*, That if any person declared free by this act, or any law of the United States, or any proclamation of the President, be restrained of liberty, with intent to be held in or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than fifteen hundred dollars, and be imprisoned not less than five nor more than twenty years.

Persons holding certain offices in the rebel service declared not to be citizens.

SEC. 14. *And be it further enacted*, That every person who shall hereafter hold or exercise any office, civil or military, except offices merely ministerial, and military offices below the grade of colonel, in the rebel service, state or confederate, is hereby declared not to be a citizen of the United States.

No. 19.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 18, 1864.

A PROCLAMATION.

Preamble. 1864, ch. 237. *Ante*, p. 379.

WHEREAS, by the act approved July 4, 1864, entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," it is provided that the President of the United States may, "at his discretion, at any time hereafter, call for any number of men, as volunteers, for the respective terms of one, two, and three years, for military service," and "that in case the quota, or any part thereof, of any town, township, ward of a city, precinct, or election district, or of a county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof, which may be unfilled;"

And whereas the new enrolment heretofore ordered is so far completed as that the aforementioned act of congress may now be put in operation, for recruiting and keeping up the strength of the armies in the field, for garrisons, and such military operations as may be required for the purpose of suppressing the rebellion and restoring the authority of the United States government in the insurgent states:

500,000 volunteers for the military service called for.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do issue this my call for five hundred thousand volunteers for the military service; provided, nevertheless, that this call shall be reduced by all credits which may be established under section 8 of the aforesaid act, on account of persons who have entered the naval service during the present rebellion, and by credits for men furnished to the military service in excess of calls heretofore made. Volunteers will be accepted under this call for one, two, or three years, as they may elect, and will be entitled to the bounty provided by the law for the period of service for which they enlist.

Draft for troops to fill quota to serve for one year.

And I hereby proclaim, order, and direct, that immediately after the fifth day of September, 1864, being fifty days from the date of this call, a draft for troops to serve for one year shall be had in every town, township, ward of a city, precinct, or election district, or county not so subdivided, to fill the quota which shall be assigned to it under this call, or any part thereof which may be unfilled by volunteers on the said fifth day of September, 1864.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eighteenth day of July, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 20.

Aug. 18, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS the act of congress of the 28th of September, 1850, entitled "An act to create additional collection districts in the State of California, and to change the existing districts therein, and to modify the existing collection districts in the United States," extends to merchandise warehoused under bond the privilege of being exported to the British North American Provinces, adjoining the United States, in the manner prescribed in the act of congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides "that such other ports, situated on the frontiers of the United States adjoining the British North American Provinces, as may hereafter be found expedient, may have extended to them the like privileges, on the recommendation of the Secretary of the Treasury, and proclamation duly made by the President of the United States, specially designating the ports to which the aforesaid privileges are to be extended:"

1850, ch. 79, § 16. Vol. ix. p. 511.

1845, ch. 70, § 7. Vol. v. p. 751.

Newport, Vermont, made a port for exportation to the British Provinces.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the port of Newport, in the State of Vermont, is and shall be entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States, which are extended to the ports enumerated in the 7th section of the act of congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighteenth day of August, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 21.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Oct. 20, 1864.

A PROCLAMATION.

Day of thanksgiving and praise appointed.

It has pleased Almighty God to prolong our national life another year, defending us with His guardian care against unfriendly designs from abroad, and vouchsafing to us in His mercy many and signal victories over the enemy, who is of our own household. It has also pleased our Heavenly Father to favor as well our citizens in their homes as our soldiers in their camps, and our sailors on the rivers and seas, with unusual health. He has largely augmented our free population by emancipation and by immigration, while He has opened to us new sources of wealth, and has crowned the labor of our working men in every department of industry with abundant rewards. Moreover, He has been pleased to animate and inspire our minds and hearts with fortitude, courage, and resolution sufficient for the great trial of civil war into which we have been brought by our adherence as a nation to the cause of freedom and humanity, and to afford to us reasonable hopes of an ultimate and happy deliverance from all our dangers and afflictions:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby appoint and set apart the last Thursday of November next as a day which I desire to be observed by all my fellow-citizens, wherever they may then be, as a day of thanksgiving and praise to Almighty God, the beneficent Creator and Ruler of the Universe. And I do farther recommend to my fellow-citizens aforesaid, that, on that occasion, they do reverently humble themselves in the dust; and from thence offer up penitent and fervent prayers and supplications to the Great Disposer of events for a return of the inestimable blessings of peace, union, and harmony throughout the land which it has pleased Him to assign as a dwelling-place for ourselves and for our posterity throughout all generations.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twentieth day of October, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 22.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA Oct. 31, 1864.

A PROCLAMATION.

Preamble. 1864, ch. 36. *Ante*, p. 30.

WHEREAS the congress of the United States passed an act, which was approved on the 21st day of March last, entitled "An act to enable the people of Nevada to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states;"

And whereas the said constitution and state government have been formed, pursuant to the conditions prescribed by the fifth section of the act of congress aforesaid, and the certificate required by the said act, and also a copy of the constitution and ordinances, have been submitted to the President of the United States:

Nevada admitted into the Union.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States, in accordance with the duty imposed upon me by the act of congress aforesaid, do hereby declare and proclaim that the said State of Nevada is admitted into the Union on an equal footing with the original states.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirty-first day of October, in the year

[L. S.] of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 23.

Nov. 19, 1864. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. Vol. xii. p. 1258.

WHEREAS by my proclamation of the nineteenth of April, one thousand eight hundred and sixty-one, it was declared that the ports of certain states, including those of Norfolk, in the State of Virginia, [and] Fernandina and Pensacola, in the State of Florida, were, for reasons therein set forth, intended to be placed under blockade; and whereas the said ports were subsequently blockaded accordingly, but having, for some time past, been in the military possession of the United States, it is deemed advisable that they should be opened to domestic and foreign commerce:

Blockade of Norfolk, Fernandina, and Pensacola to so far cease that, &c.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States, pursuant to the authority in me vested by the fifth section of the act of congress approved on the 18th of July, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes," do hereby declare that the blockade of the said ports of Norfolk, Fernandina, and Pensacola shall so far cease and determine, from and after the first day of December next, that commercial intercourse with those ports, except as to persons, things, and information contraband of war, may, from that time, be carried on, subject to the laws of the United States, to the limitations, and in pursuance of the regulations which may be prescribed by the Secretary of the Treasury, and to such military and naval regulations as are now in force, or may hereafter be found necessary.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this nineteenth day of November, in the [L. S.] year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 24.

Dec 19, 1864. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. 1864, ch. 237. *Ante*, p. 379.

WHEREAS by the act approved July 4, 1864, entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," it is provided that the President of the United States may, "at his discretion, at any time hereafter, call for any number of men, as volunteers, for the respective terms of one, two, and three years, for military service," and "that in case the quota, or any part thereof, of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof, which may be unfilled;"

And whereas by the credits allowed in accordance with the act of Congress, on the call for five hundred thousand men, made July 18th, 1864, the number of men to be obtained under that call was reduced to two hundred and eighty

thousand; and whereas the operations of the enemy in certain states have rendered it impracticable to procure from them their full quotas of troops under said call; and whereas, from the foregoing causes, but two hundred and forty thousand men have been put into the army, navy, and marine corps under the said call of July 18, 1864, leaving a deficiency on that call of two hundred and sixty thousand (260,000):

Three hundred thousand volunteers called for.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, in order to supply the aforesaid deficiency, and to provide for casualties in the military and naval service of the United States, do issue this my call for three hundred thousand (300,000) volunteers to serve for one, two, or three years. The quotas of the states, districts, and sub-districts, under this call, will be assigned by the War Department through the bureau of the provost-marshal general of the United States, and, "in case the quota or any part thereof of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled" before the fifteenth day of February, eighteen hundred and sixty-five, then a draft shall be made to fill such quota, or any part thereof, under this call, which may be unfilled on said fifteenth day of February, 1865.

Draft to be made unless &c.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of December, in the [L. S.] year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 25.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Jan. 10, 1865.

A PROCLAMATION.

Preamble.

WHEREAS the act of congress of the 28th of September, 1850, entitled "An act to create additional collection districts in the State of California, and to change the existing districts therein, and to modify the existing collection districts in the United States," extends to merchandise warehoused under bond the privilege of being exported to the British North American Provinces adjoining the United States, in the manner prescribed in the act of congress of the 3d of March, 1845, which designates certain frontier ports through which merchandise may be exported, and further provides "that such other ports situated on the frontiers of the United States, adjoining the British North American Provinces, as may hereafter be found expedient, may have extended to them the like privileges on the recommendation of the Secretary of the Treasury, and proclamation duly made by the President of the United States, specially designating the ports to which the aforesaid privileges are to be extended:"

1850, ch. 79, § 16. Vol. ix. p. 511.

1845, ch. 70, § 7. Vol. v. p. 751.

St. Albans, Vermont.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, in accordance with the recommendation of the Secretary of the Treasury, do hereby declare and proclaim that the port of St. Albans, in the State of Vermont, is, and shall be, entitled to all the privileges in regard to the exportation of merchandise in bond to the British North American Provinces adjoining the United States, which are extended to the ports enumerated in the 7th section of the act of congress of the 3d of March, 1845, aforesaid, from and after the date of this proclamation.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of January, in the year [L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 26.

Feb. 17, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

WHEREAS objects of interest to the United States require that the Senate should be convened at twelve o'clock on the fourth of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Extraordinary session of the Senate called for March 4, 1865.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, have considered it to be my duty to issue this, my Proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the fourth day of March next, at twelve o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the seventeenth day of February, in the year of our Lord one thousand
[L. S.] eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 27.

March 11, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

1865, ch. 79, § 21. *Ante*, p. 490.

WHEREAS the twenty-first section of the act of congress, approved on the third instant, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes," requires "that in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States who shall not return to said service, or report themselves to a provost-marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens, and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days as aforesaid that they shall be pardoned on condition of returning to their regiments and companies or to such other organizations as they may be assigned to, until they shall have served for a period of time equal to their original term of enlistment:"

Deserters ordered to return.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States, do issue this my proclamation, as required by said act, ordering and requiring all deserters to return to their proper posts; and I do hereby notify them that all deserters who shall, within sixty days from the date of this proclamation, viz: on or before the tenth day of May, 1865, return to service or report themselves to a provost-marshal, shall be pardoned, on condition that they return to their regiments and companies, or to such other organizations as they

Pardon on condition, &c.

may be assigned to, and serve the remainder of their original terms of enlistment, and, in addition thereto, a period equal to the time lost by desertion.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of March, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 28.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: March 17, 1865.

A PROCLAMATION.

Preamble.

WHEREAS, reliable information has been received that hostile Indians within the limits of the United States have been furnished with arms and munitions of war by persons dwelling in conterminous foreign territory, and are thereby enabled to prosecute their savage warfare upon the exposed and sparse settlements of the frontier.

Persons furnishing hostile Indians within the limits of the United States with arms to be arrested, &c.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do hereby proclaim and direct that all persons detected in that nefarious traffic shall be arrested and tried by court-martial at the nearest military post, and, if convicted, shall receive the punishment due to their deserts.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventeenth day of March, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 29.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: April 11, 1865.

A PROCLAMATION.

Preamble.

WHEREAS, by my Proclamations of the nineteenth and twenty-seventh days of April, one thousand eight hundred and sixty-one, the ports of the United States in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, were declared to be subject to blockade; but whereas the said blockade has, in consequence of actual military occupation by this government, since been conditionally set aside or relaxed in respect to the ports of Norfolk and Alexandria, in the State of Virginia; Beaufort, in the State of North Carolina; Port Royal, in the State of South Carolina; Pensacola and Fernandina, in the State of Florida; and New Orleans, in the State of Louisiana;

Vol. xii. pp. 1258, 1259.

And whereas, by the fourth section of the act of congress, approved on the thirteenth of July, eighteen hundred and sixty-one, entitled "An act further to provide for the collection of duties on imports and for other purposes," the President, for the reasons therein set forth, is authorized to close certain ports of entry:

1861, ch. 3, § 4. Vol. xii. p. 257.

Certain ports closed.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States, do hereby proclaim that the ports of Richmond, Tappahannock,

Cherrystone, Yorktown, and Petersburg, in Virginia; of Camden, (Elizabeth City,) Edenton, Plymouth, Washington, Newbern, Ocracoke, and Wilmington, in North Carolina; of Charleston, Georgetown, and Beaufort, in South Carolina; of Savannah, St. Mary's, and Brunswick, (Darien,) in Georgia; of Mobile, in Alabama; of Pearl River, (Shieldsborough,) Natchez, and Vicksburg, in Mississippi; of St. Augustine, Key West, St. Mark's, (Port Leon,) St. John's, (Jacksonville,) and Apalachicola, in Florida; of Teche, (Franklin,) in Louisiana; of Galveston, La Salle, Brazos de Santiago, (Point Isabel,) and Brownsville, in Texas, are hereby closed, and all right of importation, warehousing, and other privileges, shall, in respect to the ports aforesaid, cease until they shall have again been opened by order of the President; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 30.

April 11., 1865 BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS, by my Proclamation of this date, the port of Key West, in the State of Florida, was inadvertently included among those which are not open to commerce:

Port of Key West to remain open.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States, do hereby declare and make known that the said port of Key West is and shall remain open to foreign and domestic commerce upon the same conditions by which that commerce has there hitherto been governed.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 31.

April 11, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS, for some time past, vessels of war of the United States have been refused, in certain foreign ports, privileges and immunities to which they were entitled by treaty, public law, or the comity of nations, at the same time that vessels of war of the country wherein the said privileges and immunities have been withheld have enjoyed them fully and uninterruptedly in ports of the United States, which condition of things has not always been forcibly resisted by the United States, although, on the other hand, they have not at any time failed to protest against and declare their dissatisfaction with the same; [and whereas] in the view of the United States, no condition any longer exists which

can be claimed to justify the denial to them, by any one of such nations, of customary naval rights, as has heretofore been so unnecessarily persisted in:

Reciprocal hospitalities to vessels of war.

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, do hereby make known, that if, after a reasonable time shall have elapsed for intelligence of this Proclamation to have reached any foreign country in whose ports the said privileges and immunities shall have been refused, as aforesaid, they shall continue to be so refused, then and thenceforth the same privileges and immunities shall be refused to the vessels of war of that country in the ports of the United States, and this refusal shall continue until war vessels of the United States shall have been placed upon an entire equality in the foreign ports aforesaid with similar vessels of other countries — the United States, whatever claim or pretence may have existed heretofore, are now, at least, entitled to claim and concede an entire and friendly equality of rights and hospitalities with all maritime nations.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this eleventh day of April, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 32.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: April 25, 1865.

A PROCLAMATION.

Preamble.

WHEREAS, by my direction, the Acting Secretary of State, in a notice to the public of the seventeenth,[1] requested the various religious denominations to assemble on the nineteenth instant, on the occasion of the obsequies of ABRAHAM LINCOLN, late President of the United States, and to observe the same with appropriate ceremonies, but whereas our country has become one great house of mourning, where the Head of the Family has been taken away; and believing that a special period should be assigned for again humbling ourselves before Almighty God, in order that the bereavement may be sanctified to the nation:

Day of humiliation and mourning appointed.

Now, therefore, in order to mitigate that grief on earth which can only be assuaged by communion with the Father in heaven, and in compliance with the wishes of senators and representatives in Congress, communicated to me by Resolutions adopted at the national Capitol, I, ANDREW JOHNSON, President of the United States, do hereby appoint Thursday the twenty-fifth day of May next, to be observed, wherever in the United States the flag of the country may be respected, as a day of humiliation and mourning, and I recommend my fellow-citizens then to assemble in their respective places of worship, there to unite in solemn service to Almighty God, in memory of the good man who has been removed, so that all shall be occupied at the same time, in contemplation of his virtues and in sorrow for his sudden and violent end.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, the twenty-fifth day of April, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

By the President, ANDREW JOHNSON.

W. HUNTER, *Acting Secretary of State.*

[1] TO THE PEOPLE OF THE UNITED STATES.

Day of the funeral ceremonies of Abraham Lincoln at Washington.

The undersigned is directed to announce that the funeral ceremonies of the late lamented Chief Magistrate will take place at the Executive Mansion, in this city, at twelve o'clock noon, on Wednesday, the 19th instant. The respective religious denominations throughout the country are invited to meet in their places of worship, at that hour, for the purpose of solemnizing the occasion with appropriate ceremonies.

W. HUNTER, *Acting Secretary of State.*

Department of State, Washington, April 17, 1865.

No. 33.

April 29, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Preamble. WHEREAS, by my Proclamation of the twenty-fifth instant, Thursday, the twenty-fifth day of next month, was recommended as a day for special humiliation and prayer in consequence of the assassination of ABRAHAM LINCOLN, late President of the United States, but, whereas, my attention has since been called to the fact that the day aforesaid is sacred to large numbers of Christians as one of rejoicing for the Ascension of the Saviour:

Day of mourning postponed. Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby suggest, that the religious services, recommended as aforesaid, should be postponed until Thursday the first day of June next.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-ninth day of April, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

No. 34.

May 2, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. WHEREAS it appears, from evidence in the bureau of military justice, that the atrocious murder of the late President ABRAHAM LINCOLN, and the attempted assassination of the Honorable William H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Virginia; and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Saunders, William C. Cleary, and other rebels and traitors against the government of the United States, harbored in Canada:

Rewards offered for the arrest of Jefferson Davis, and others, for conspiring to procure the murder of Abraham Lincoln. Now, therefore, to the end that justice may be done, I, ANDREW JOHNSON, President of the United States, do offer and promise for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards:

One hundred thousand dollars for the arrest of Jefferson Davis.

Twenty-five thousand dollars for the arrest of Clement C. Clay.

Twenty-five thousand dollars for the arrest of Jacob Thompson, late of Mississippi.

Twenty-five thousand dollars for the arrest of George N. Saunders.

Post, p. 776. Twenty-five thousand dollars for the arrest of Beverly Tucker.

Ten thousand dollars for the arrest of William C. Cleary, late clerk of Clement C. Clay.

The Provost Marshal General of the United States is directed to cause a description of said persons, with notice of the above rewards, to be published.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of May, in the year of [L. S.] our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

No. 35.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 10, 1865.

A PROCLAMATION.

Preamble. Vol. xii. p. 1258.

WHEREAS the President of the United States, by his Proclamation of the nineteenth day of April, one thousand eight hundred and sixty-one, did declare certain States therein mentioned in insurrection against the government of the United States;

And whereas armed resistance to the authority of this government in the said insurrectionary states may be regarded as virtually at an end, and the persons by whom that resistance, as well as the operations of insurgent cruisers, was directed, are fugitives or captives;

And whereas it is understood that some of those cruisers are still infesting the high seas, and others are preparing to capture, burn, and destroy vessels of the United States:

Insurgent cruisers to be arrested, &c.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, hereby enjoin all naval, military, and civil officers of the United States, diligently to endeavor, by all lawful means, to arrest the said cruisers, and to bring them into a port of the United States, in order that they may be prevented from committing further depredations on commerce, and that the persons on board of them may no longer enjoy impunity for their crimes.

Hospitalities to be refused to the public vessels of certain nations, showing hospitalities to insurgent cruisers after notice.

And I do further proclaim and declare, that if, after a reasonable time shall have elapsed for this Proclamation to become known in the ports of nations claiming to have been neutrals, the said insurgent cruisers and the persons on board of them shall continue to receive hospitality in the said ports, this government will deem itself justified in refusing hospitality to the public vessels of such nations in ports of the United States, and in adopting such other measures as may be deemed advisable towards vindicating the national sovereignty.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of May, in the year of
[L. S.] our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

No. 36.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: May 22, 1865.

A PROCLAMATION.

Preamble. *Ante*, p. 753.

WHEREAS, by the Proclamation of the President of the eleventh day of April last, certain ports of the United States therein specified, which had previously been subject to blockade, were, for objects of public safety, declared, in conformity with previous special legislation of congress, to be closed against foreign commerce during the national will, to be thereafter expressed and made known by the President; and whereas events and circumstances have since occurred which, in my judgment, render it expedient to remove that restriction, except as to the ports of Galveston, La Salle, Brazos de Santiago, (Point Isabel,) and Brownsville, in the State of Texas:

Ports formerly closed reopened, except, &c.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby declare that the ports aforesaid, not excepted as above, shall be open to foreign commerce from and after the first day of July next; that commercial intercourse with the said ports may, from that time, be carried on, subject to the laws of the United States and in pursuance of such regulations as may be prescribed by the Secretary of the Treasury. If, however, any vessel from a foreign port shall enter any of the before-named excepted ports in the State of Texas, she will continue to be held liable to the penalties pre-

scribed by the act of congress approved on the thirteenth day of July, eighteen hundred and sixty-one, and the persons on board of her to such penalties as may be incurred, pursuant to the laws of war, for trading or attempting to trade with an enemy.

Belligerent rights disallowed.

And I, ANDREW JOHNSON, President of the United States, do hereby declare and make known that the United States of America do, henceforth, disallow to all persons trading, or attempting to trade, in any ports of the United States in violation of the laws thereof, all pretence of belligerent rights and privileges; and I give notice that from the date of this Proclamation, all such offenders will be held and dealt with as pirates.

Certain restrictions upon trade removed.

It is also ordered that all restrictions upon trade heretofore imposed in the territory of the United States east of the Mississippi River, save those relating to contraband of war, to the reservation of the rights of the United States to property purchased in the territory of an enemy, and to the twenty-five per cent. upon purchases of cotton, be removed. All provisions of the internal revenue law will be carried into effect under the proper officers.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-second day of May, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

No. 37.

May 29, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. *Ante*, pp. 737, 741.

WHEREAS the President of the United States, on the 8th day of December, A. D. eighteen hundred and sixty-three, and on the 26th day of March, A. D. eighteen hundred and sixty-four, did, with the object to suppress the existing rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly or by implication participated in the said rebellion; and whereas many persons who had so engaged in said rebellion have, since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and whereas many persons who have been justly deprived of all claim to amnesty and pardon thereunder, by reason of their participation, directly or by implication, in said rebellion, and continued hostility to the government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon:

Amnesty and pardon granted, except, &c.

To the end, therefore, that the authority of the government of the United States may be restored, and that peace, order, and freedom may be established, I, ANDREW JOHNSON, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings, under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath, (or affirmation,) and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

Form of oath.

"I, ———, do solemnly swear, (or affirm,) in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by, and faithfully support all laws, and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God."

Classes of persons excepted.

The following classes of persons are excepted from the benefits of this Proclamation: —

1st. All who are or shall have been pretended civil or diplomatic officers, or otherwise domestic or foreign agents, of the pretended confederate government;

2d. All who left judicial stations under the United States to aid the rebellion;

3d. All who shall have been military or naval officers of said pretended confederate government above the rank of colonel in the army or lieutenant in the navy;

4th. All who left seats in the Congress of the United States to aid the rebellion;

5th. All who resigned or tendered resignations of their commissions in the army or navy of the United States to evade duty in resisting the rebellion;

6th. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service, as officers, soldiers, seamen, or in other capacities;

7th. All persons who have been, or are, absentees from the United States for the purpose of aiding the rebellion;

8th. All military and naval officers in the rebel service, who were educated by the government in the Military Academy at West Point or the United States Naval Academy;

9th. All persons who held the pretended offices of governors of states in insurrection against the United States;

10th. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the federal military lines into the pretended confederate states for the purpose of aiding the rebellion;

11th. All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States;

12th. All persons who, at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed, are in military, naval, or civil confinement, or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States as prisoners of war, or persons detained for offences of any kind, either before or after conviction;

13th. All persons who have voluntarily participated in said rebellion, and the estimated value of whose taxable property is over twenty thousand dollars;

14th. All persons who have taken the oath of amnesty as prescribed in the President's Proclamation of December 8th, A. D. 1863, or an oath of allegiance to the government of the United States since the date of said Proclamation, and who have not thenceforward kept and maintained the same inviolate. *Ante*, p. 737.

Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States. Special application may be made.

The Secretary of State will establish rules and regulations [1] for administering and recording the said amnesty oath, so as to insure its benefit to the people, and guard the government against fraud. Secretary of State to establish rules.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[1] *Rules and Regulations established by the Secretary of State.*

DEPARTMENT OF STATE, Washington, May 29, 1865.

Sir: A copy of the President's Amnesty Proclamation of this date is herewith appended. By a clause in the instrument, the Secretary of State is directed to establish rules and regulations for administering and recording the amnesty oath, so as to insure its benefits to the people and guard the government against fraud. Pursuant to this injunction, you are informed that the oath prescribed in the proclamation may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a loyal state or territory, who, by the laws thereof, may be qualified for administering oaths. All officers who receive such oaths are hereby authorized to give certified copies thereof to the persons respectively by whom they were made. And such officers are hereby required to transmit the originals of such oaths, at as early a day as may be convenient, to this department, where they will be deposited, and remain in the archives of the government. A register thereof will be kept in the department, and on application, in proper cases, certificates will be issued of such records in the customary form of official certificates. I am sir,

Your obedient servant,

WILLIAM H. SEWARD.

Done at the city of Washington, the twenty-ninth day of May, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 38.

May 29, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of North Carolina of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for North Carolina.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint William W. Holden provisional governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided* that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state,—a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

His duty and authority.

Qualifications of electors, and for membership of convention.

Convention, &c., to prescribe qualifications, &c.

And I do hereby direct —

All the departments of the United States government to aid the provisional governor.

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which North Carolina is included proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-ninth day of May, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 39.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 13, 1865.

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Mississippi of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Mississippi, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for Mississippi.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President

of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint William L. Sharkey, of Mississippi, provisional governor of the State of Mississippi, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of Mississippi to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided* that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Mississippi in force immediately before the ninth (9th) of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

His duty and authority.

Qualifications of electors, and for membership of convention.

Convention, &c. to prescribe qualifications, &c.

And I do hereby direct —

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

All the departments of the United States government to aid the provisional governor.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the district shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which Mississippi is included proceed to hold courts within said state, in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of Congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirteenth day of June, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 40.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 13, 1865.

A PROCLAMATION.

WHEREAS, by my Proclamation [Executive order] of the twenty-ninth of April, one thousand eight hundred and sixty-five, all restrictions upon internal, domestic, and commercial intercourse, with certain exceptions therein specified and set forth, were removed "in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River, as shall be embraced within the lines of national military occupation";

Preamble. *Post*, p. 776.

And whereas, by my Proclamation of the twenty-second of May, one thousand eight hundred and sixty-five, for reasons therein given, it was declared that certain ports of the United States which had been previously closed against foreign commerce, should, with certain specified exceptions, be reopened to such commerce on and after the first day of July next, subject to the laws of the United States, and in pursuance of such regulations as might be prescribed by the Secretary of the Treasury;

Ante, p. 757.

And whereas I am satisfactorily informed that dangerous combinations against the laws of the United States no longer exist within the State of Tennessee; that the insurrection heretofore existing within said state has been suppressed; that within the boundaries thereof the authority of the United States is undisputed, and that such officers of the United States as have been duly commissioned are in the undisturbed exercise of their official functions:

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the removal of products of states heretofore declared in insurrection, reserving and excepting only those relating to contraband of war, as hereinafter recited, and also those which relate to the reservation of the rights of the United States to property purchased in the territory of an enemy, heretofore imposed in the territory of the United States east of the Mississippi River, are annulled, and I do hereby direct that they be forthwith removed; and that, on and after the first day of July next, all restrictions upon foreign commerce with said ports, with the exception and reservation aforesaid, be likewise removed; and that the commerce of said states shall be conducted under the supervision of the regularly appointed officers of the customs provided by law; and such officers of the customs shall receive any captured and abandoned property that may be turned over to them, under the law, by the military or naval forces of the United States, and dispose of such property as shall be directed by the Secretary of the Treasury. The following articles contraband of war are excepted from the effect of this Proclamation: arms, ammunition, all articles from which ammunition is made, and gray uniforms and cloth.

Restrictions on trade, east of the Mississippi, removed,—contraband of war excepted.

And I hereby also proclaim and declare that the insurrection, so far as it relates to and within the State of Tennessee, and the inhabitants of the said State of Tennessee as reorganized and constituted under their recently adopted constitution and reorganization, and accepted by them, is suppressed; and therefore, also, that all the disabilities and disqualifications attaching to said state and the inhabitants thereof consequent upon any proclamations issued by virtue of the fifth section of the act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved the thirteenth day of July, one thousand eight hundred and sixty-one, are removed.

The insurrection in Tennessee declared suppressed.

1861, ch. 3. Vol. xii. p. 257.

But nothing herein contained shall be considered or construed as in any wise changing or impairing any of the penalties and forfeitures for treason heretofore incurred under the laws of the United States, or any of the provisions, restrictions, or disabilities set forth in my Proclamation bearing date the twenty-ninth day of May, one thousand eight hundred and sixty-five, or as impairing existing regulations for the suspension of the habeas corpus, and the exercise of military law in cases where it shall be necessary for the general public safety and welfare during the existing insurrection; nor shall this Proclamation affect, or in any way impair, any laws heretofore passed by congress, and duly approved by the President, or any proclamations or orders issued by him during the aforesaid insurrection, abolishing slavery, or in any way affecting the relations of

Penalties, &c., for treason not impaired.

Former proclamations, &c., to be in force.

Ante, p. 758.

slavery, whether of persons or [of] property; but, on the contrary, all such laws and proclamations heretofore made or issued are expressly saved and declared to be in full force and virtue.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirteenth day of June, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 41.

June 17, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Georgia of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Georgia, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for Georgia.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint James Johnson, of Georgia, provisional governor of the State of Georgia, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of Georgia to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided* that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Georgia in force immediately before the nineteenth (19th) of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

His duty and authority.

Qualifications of electors, and for membership of convention.

Convention, &c., to prescribe qualification.

And I do hereby direct —

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized. All the departments of the United States government to aid the provisional governor.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which Georgia is included proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventeenth day of June, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 42.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 17, 1865.

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Texas of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States

to the people of the State of Texas, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for Texas.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint Andrew J. Hamilton, of Texas, provisional governor

His duty and authority.

of the State of Texas, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of Texas to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided*

Qualification of electors, and for membership of the convention.

that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Texas in force immediately before the first [1st] day of February, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the legislature that may be

Convention, &c., to prescribe qualification.

thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

And I do hereby direct, —

All the departments of the United States government to aid the provisional governor.

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which Texas is included proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of June, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD, *Secretary of State.*

No. 43.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 21, 1865.

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Alabama of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Alabama, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for Alabama.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint Lewis E. Parsons, of Alabama, provisional governor of the State of Alabama, whose duty it shall be, at the earliest practicable period,

His duty and authority.

to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of Alabama to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided* that, in any election that

Qualification of electors, and for membership of the convention.

may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Alabama in force immediately before the eleventh day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention,

Convention, &c., to prescribe qualification.

when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

And I do hereby direct, —

All the departments of the United States government to aid the provisional governor.

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which Alabama is included proceed to hold courts within said state, in accordance with the provisions of the act of Congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of Congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day of June, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 44.

June 23, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble. Vol. xii. pp. 1258, 1259.

WHEREAS, by the proclamations of the President of the nineteenth and twenty-seventh of April, eighteen hundred and sixty-one, a blockade of certain ports of the United States was set on foot; but, whereas, the reasons for that measure have ceased to exist:

Blockade rescinded.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby declare and proclaim the blockade aforesaid to be rescinded as to all the ports aforesaid, including that of Galveston and other ports west of the Mississippi River, which ports will be open to foreign commerce on the first of July next, on the terms and conditions set forth in my Proclamation of the twenty-second of May last.

Ante, p. 757.

Purposes of the blockade.

It is to be understood, however, that the blockade thus rescinded was an international measure for the purpose of protecting the sovereign rights of the United States. The greater or less subversion of civil authority in the region to which it applied, and the impracticability of at once restoring that in due efficiency, may, for a season, make it advisable to employ the army and navy of the United States towards carrying the laws into effect, wherever such employment may be necessary.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-third day of June, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

No. 45.

BY THE PRESIDENT OF THE UNITED STATES: June 24, 1865.

A PROCLAMATION.

Preamble. WHEREAS it has been the desire of the general government of the United States to restore unrestricted commercial intercourse between and in the several states, as soon as the same could be safely done in view of resistance to the authority of the United States by combinations of armed insurgents;

And whereas that desire has been shown in my proclamations of the twenty-ninth of April,[1] one thousand eight hundred and sixty-five, the thirteenth of June, one thousand eight hundred and sixty-five, and the twenty-third of June, one thousand eight hundred and sixty-five; *Ante*, pp. 763, 768.

And whereas it now seems expedient and proper to remove restrictions upon internal, domestic, and coastwise trade and commercial intercourse between and within the states and territories west of the Mississippi River:

Restrictions on trade west of the Mississippi River removed. Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the purchase and removal of products of states and parts of states and territories heretofore declared in insurrection, lying west of the Mississippi River (excepting only those relating to property heretofore purchased by the agents, or captured by or surrendered to the forces of the United States, and to the transportation thereto or therein, on private account, of arms, ammunition, all articles from which ammunition is made, gray uniforms and gray cloth), are annulled; and I do hereby direct that they be forthwith removed; and also that the commerce of such states, and parts of states shall be conducted under the supervision of the regularly appointed officers of the customs, [who] shall receive any captured and abandoned property that may be turned over to them, under the law, by the military or naval forces of the United States, and dispose of the same in accordance with instructions on the subject, issued by the Secretary of the Treasury.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of June, in the
[L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

No. 46.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: June 30, 1865.

A PROCLAMATION.

Preamble. WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as

[1] Executive order. See *Post*, p. 776.

well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of South Carolina of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of South Carolina, in securing them in the enjoyment of a republican form of government:

Provisional governor appointed for South Carolina.

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint Benjamin F. Perry, of South Carolina,

His duty and authority.

provisional governor of the State of South Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of South Carolina to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection,

Qualifications of electors, and of members of the convention.

and domestic violence; *Provided* that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D., 1865, and is a voter qualified as prescribed by the constitution and laws of the State of South Carolina in force immediately before the seventeenth (17th) day of November, A. D. 1860, the date of the so-called ordinance of secession; and the said convention,

Convention, &c., to prescribe qualifications, &c.

when convened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

And I do hereby direct —

All the departments of the United States government to aid the provisional governor.

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which South Carolina is included proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject

to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said state.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this thirtieth day of June, in the year of
[L. S.] our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 47.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: July 13, 1865.

A PROCLAMATION.

Preamble.

WHEREAS the fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and whereas the President of the United States is, by the constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and whereas the rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of Florida of all civil government; and whereas it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of Florida, in securing them in the enjoyment of a republican form of government:

Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said state to organize a state government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, ANDREW JOHNSON, President of the United States, and commander-in-chief of the army and navy of the United States, do hereby appoint William Marvin provisional governor of the State of Florida, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said state who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said state, all the powers necessary and proper to enable such loyal people of the State of Florida to restore said state to its constitutional relations to the federal government, and to present such a republican form of state government as will entitle the state to the guarantee of the United States therefor, and its people to protection by the United States against invasion, insurrection, and domestic violence; *Provided* that, in any election that may be hereafter held for choosing delegates to any state convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of Florida in force immediately before the 10th day of January, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when con-

Provisional governor appointed for Florida.

His duty and authority.

Qualifications of electors, and of members of the convention.

Convention, &c., to prescribe qualification.

vened, or the legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the state, — a power the people of the several states composing the Federal Union have rightfully exercised from the origin of the government to the present time.

All the departments of the United States government to aid the provisional governor.

And I do hereby direct —

First. That the military commander of the department, and all officers and persons in the military and naval service, aid and assist the said provisional governor in carrying into effect this Proclamation, and they are enjoined to abstain from, in any way, hindering, impeding, or discouraging the loyal people from the organization of a state government as herein authorized.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed to nominate for appointment assessors of taxes, and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable residents are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge for the judicial district in which Florida is included proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state in all matters within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of the Navy take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said State.

Seventh. That the Secretary of the Interior put in force the laws relating to the Interior Department applicable to the geographical limits aforesaid.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this thirteenth day of July, in the year
[L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 48.

August 29, 1865. BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Preamble
Ante, pp. 763, 769.

WHEREAS, by my proclamations of the thirteenth and twenty-fourth of June, one thousand eight hundred and sixty-five, removing restrictions, in part, upon internal, domestic, and coastwise intercourse and trade with those states recently declared in insurrection, certain articles were excepted from the effect of said proclamations as contraband of war; and whereas the necessity for restricting trade in said articles has now, in a great measure, ceased: it is

All restrictions on trade removed.

hereby ordered, that on and after the 1st day of September, 1865, all restrictions aforesaid be removed, so that the articles declared by the said proclamations to be contraband of war, may be imported into and sold in said states, subject only to such regulations as the Secretary of the Treasury may prescribe.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-ninth day of August, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 49.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: October 12, 1865.

A PROCLAMATION.

Preamble. *Ante*, p. 742.

WHEREAS, by a Proclamation of the fifth day of July, one thousand eight hundred and sixty-four, the President of the United States, when the civil war was flagrant, and when combinations were in progress in Kentucky for the purpose of inciting insurgent raids into that state, directed that the Proclamation suspending the privilege of the writ of habeas corpus should be made effectual in Kentucky, and that martial law should be established there, and continue until said proclamation should be revoked or modified; and whereas since then the danger from insurgent raids into Kentucky has substantially passed away:

Martial law to be no longer in force in Kentucky.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, by virtue of the authority vested in me by the constitution, do hereby declare that the said Proclamation of the fifth day of July, one thousand eight hundred and sixty-four, shall be, and is hereby, modified, in so far that martial law shall be no longer in force in Kentucky from and after the date hereof.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of October, in the year [L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

W. HUNTER, *Acting Secretary of State.*

No. 50.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: October 28, 1865.

A PROCLAMATION.

Preamble.

WHEREAS it has pleased Almighty God, during the year which is now coming to an end, to relieve our beloved country from the fearful scourge of civil war, and to permit us to secure the blessings of peace, unity, and harmony, with a great enlargement of civil liberty;

And whereas our Heavenly Father has also, during the year, graciously averted from us the calamities of foreign war, pestilence, and famine, while our granaries are full of the fruits of an abundant season;

And whereas righteousness exalteth a nation, while sin is a reproach to any people:

Day of national thanksgiving appointed.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States, do hereby recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the universe for these great deliverances and blessings.

And I do further recommend that on that occassion the whole people make confession of our national sins against His infinite goodness, and with one

heart and one mind implore the Divine guidance in the ways of national virtue and holiness.

In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-eighth day of October, in [L. S.] the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 51.

Dec. 1, 1865.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Preamble.

A PROCLAMATION.

WHEREAS, by the Proclamation of the President of the United States, of the fifteenth day of September, one thousand eight hundred and sixty-three, the privilege of the writ of habeas corpus was, in certain cases therein set forth, suspended throughout the United States;

Ante, p. 734.

And whereas the reasons for that suspension may be regarded as having ceased in some of the states and territories:

Suspension of the writ of habeas corpus, &c., revoked, except in certain states and territories, and the District of Columbia.

Now therefore be it known, that I, ANDREW JOHNSON, President of the United States, do hereby proclaim and declare, that the suspension aforesaid and all other proclamations and orders suspending the privilege of the writ of habeas corpus in the states and territories of the United States, are revoked and annulled, excepting as to the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the District of Columbia, and the Territories of New Mexico and Arizona.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of December, in the year [L. S.] of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 52.

WILLIAM H. SEWARD,

SECRETARY OF STATE OF THE UNITED STATES,

To all to whom these presents may come, greeting:

Dec. 18, 1865.

Preamble.

KNOW ye, that whereas the congress of the United States on the 1st of February last passed a resolution which is in the words following, namely:

"*A resolution submitting to the legislatures of the several states a proposition to amend the Constitution of the United States.*

Ante, p. 567.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both houses concurring,)* That the following article be proposed to the legislatures of the several states as an amendment to the Constitution of the United States, which, when ratified by

three fourths of said legislatures, shall be valid, to all intents and purposes, as a part of the said constitution, namely:

"ARTICLE XIII.

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

Amendment to the constitution ratified by twenty-seven states

And whereas it appears from official documents on file in this department that the amendment to the Constitution of the United States proposed, as aforesaid, has been ratified by the legislatures of the States of Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pensylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia; in all twenty-seven states;

And whereas the whole number of states in the United States is thirty-six; and whereas the before specially-named states, whose legislatures have ratified the said proposed amendment, constitute three fourths of the whole number of states in the United States:

Amendment valid.

1818, ch. 80, § 2. Vol. iii. p. 439.

Now, therefore, be it known, that I, WILLIAM H. SEWARD, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of congress, approved the twentieth of April, eighteen hundred and eighteen, entitled "An act to provide for the publication of the laws of the United States and for other purposes," do hereby certify that the amendment aforesaid has become valid, to all intents and purposes, as a part of the Constitution of the United States.

In testimony whereof, I have hereunto set my hand, and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this eighteenth day of December, in the [L. S.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States of America the ninetieth.

WILLIAM H. SEWARD.
Secretary of State.

EXECUTIVE ORDERS.

No. 1.

March 10, 1863.

EXECUTIVE MANSION, *March* 10, 1863.

Soldiers absent without leave to return to their regiments forthwith.

1863, ch. 75, § 26. Vol. xii. p. 735.

IN pursuance of the twenty-sixth section of the act of congress entitled "An act for enrolling and calling out the national forces, and for other purposes," approved on the third day of March, in the year one thousand eight hundred and sixty-three, I, ABRAHAM LINCOLN, President and commander-in-chief of the army and navy of the United States, do hereby order and command, that all soldiers, enlisted or drafted into the service of the United States, now absent from their regiments without leave, shall forthwith return to their respective regiments.

Soldiers reporting before April 1, 1863, at designated rendezvous, to be restored, &c.

Others to be arrested as deserters.

And I do hereby declare and proclaim, that all soldiers now absent from their respective regiments without leave, who shall, on or before the first day of April, eighteen hundred and sixty-three, report themselves at any rendezvous designated by the General Orders of the War Department number fifty-eight, hereto annexed, may be restored to their respective regiments without punishment, except the forfeiture of pay and allowances during their absence; and all who do not return within the time above specified shall be arrested as deserters, and punished as the law provides.

Patriotic citizens exhorted to aid in restoring soldiers to their regiments.

And whereas, evil disposed and disloyal persons at sundry places have enticed and procured soldiers to desert and absent themselves from their regiments, thereby weakening the strength of the armies and prolonging the war, giving aid and comfort to the enemy, and cruelly exposing the gallant and faithful soldiers remaining in the ranks to increased hardships and danger, I do therefore call upon all patriotic and faithful citizens to oppose and resist the aforementioned dangerous and treasonable crimes, and to aid in restoring to their regiments all soldiers absent without leave, and to assist in the execution of the act of congress for enrolling and calling out the national forces, and for other purposes, and to support the proper authorities in the prosecution and punishment of offenders against said act, and in suppressing the insurrection and rebellion.

In testimony whereof, I have hereunto set my hand.

Done at the city of Washington, this tenth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

EDWIN M. STANTON, *Secretary of War.*

No. 2.

April 4, 1865.

To all whom these presents may concern:

Preamble.

WHEREAS, for some time past, evil-disposed persons have crossed the borders of the United States, or entered their ports by sea from countries where they are tolerated, and have committed capital felonies against the property and life of American citizens, as well in the cities as in the rural districts of the country:

Rewards for the arrest of felons from foreign countries committing felonies in the United States.

Now, therefore, in the name and by the authority of the President of the United States, I do hereby make known that a reward of one thousand dollars will be paid, at this Department, for the capture of each of such offenders upon his conviction by a civil or military tribunal, to whomsoever shall arrest and deliver such offenders into the custody of the civil or military authorities of the United States. And the like reward will be paid, upon the same terms, for the capture of any such persons so entering the United States, whose offences shall be committed subsequently to the publication of this notice.

A reward of five hundred dollars will be paid, upon conviction, for the arrest of any person who shall have aided and abetted offenders of the class before named within the territory of the United States.

Given under my hand, and the seal of the Department of State, at
[L. S.] Washington, this fourth day of April, A. D. 1865.

WILLIAM H. SEWARD,
Secretary of State.

No. 3.

April 29, 1865.

EXECUTIVE CHAMBER, Washington, *April* 29, 1865.

BEING desirous to relieve all loyal citizens and well-disposed persons residing in insurrectionary states from unnecessary commercial restrictions, and to encourage them to return to peaceful pursuits, —

IT IS HEREBY ORDERED —

Restrictions on trade in parts of states lately in rebellion, removed.

I. That all restrictions upon internal, domestic, and coastwise commercial intercourse be discontinued in such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River, as shall be embraced within the lines of national military occupation; excepting only such restrictions as are imposed by acts of congress and regulations in pursuance thereof, prescribed by the Secretary of the Treasury, and approved by the President; and excepting, also, from the effect of this order the following articles, contraband of war, to wit: Arms, ammunition, all articles from which ammunition is manufactured, gray uniforms and cloth, locomotives, cars, railroad iron, and

machinery for operating railroads, telegraph wires, insulators, and instruments for operating telegraphic lines.

II. That all existing military and naval orders in any manner restricting internal, domestic, and coastwise commercial intercourse and trade, with or in the localities above named, be, and the same are hereby, revoked; and that no military or naval officer, in any manner, interrupt or interfere with the same, or with any boats or other vessels engaged therein, under proper authority, pursuant to the regulations of the Secretary of the Treasury. Former orders revoked.

ANDREW JOHNSON

No. 4.

EXECUTIVE CHAMBER, Washington City, *May* 9, 1865. May 9, 1865.

Ordered:

First. That all acts and proceedings of the political, military, and civil organizations which have been in a state of insurrection and rebellion, within the State of Virginia, against the authority and laws of the United States, and of which Jefferson Davis, John Letcher, and William Smith, were late the respective chiefs, are declared null and void. All persons who shall exercise, claim, pretend, or attempt to exercise any political, military, or civil power, authority, jurisdiction, or right, by, through, or under Jefferson Davis, late of the city of Richmond, and his confederates, or under John Letcher, or William Smith, and their confederates, or under any pretended political, military, or civil commission or authority issued by them, or either of them, since the 17th day of April, 1861, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly. The authority of the United States reëstablished in Virginia.

Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the Department of State, applicable to the geographical limits aforesaid.

Third. That the Secretary of the Treasury proceed, without delay, to nominate for appointment, assessors of taxes and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and shall put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable persons shall not be found, residents of the districts, then persons residing in other states or districts shall be appointed.

Fourth. That the Postmaster-General shall proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States within the said state, giving to loyal residents the preference of appointment; but if suitable persons are not found, then to appoint agents, &c., from other states.

Fifth. That the district judge of said district proceed to hold courts within said state, in accordance with the provisions of the act of congress. The Attorney-General will instruct the proper officers to libel, and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said state, in all matters civil and criminal within the cognizance and jurisdiction of the federal courts.

Sixth. That the Secretary of War assign such assistant provost-marshal general and such provost-marshals in each district of said state as he may deem necessary.

Seventh. The Secretary of the Navy will take possession of all public property belonging to the Navy Department within said geographical limits, and put in operation all acts of congress in relation to naval affairs having application to the said state.

Eighth. The Secretary of the Interior will also put in force the laws relating to the Department of the Interior.

Ninth. That to carry into effect the guarantee by the federal constitution of a republican form of state government, and afford the advantage and security of domestic laws, as well as to complete the reëstablishment of the authority and laws of the United States, and the full and complete restoration of peace within the limits aforesaid, Francis H. Pierpont, governor of the State of Virginia, Aid will be given to Governor Pierpont.

will be aided by the federal government, so far as may be necessary, in the lawful measures which he may take for the extension and administration of the state government throughout the geographical limits of said state.

In testimony whereof, I have hereunto set my hand, and caused the seal [L. S.] of the United States to be affixed.

ANDREW JOHNSON.

By the President:
W. HUNTER, *Acting Secretary of State.*

No. 5.

Nov. 24, 1865.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, *November* 24, 1865.

General Orders No. 164.

Claims for the reward for the apprehension of Booth and others, to be filed before January 1, 1866. *Ante*, p. 756.

Ordered, That —

1. All persons claiming reward for the apprehension of John Wilkes Booth, Lewis Payne, G. A. Atzerodt, and David E. Harold, and Jefferson Davis, or either of them, are notified to file their claims and their proofs with the adjutant-general, for final adjudication by the special commission appointed to award and determine upon the validity of such claims, before the first day of January next, after which time no claims will be received.

Offers of rewards for the arrest of Jacob Thompson and others revoked.

2. The rewards offered for the arrest of Jacob Thompson, Beverly Tucker, George N. Saunders, William G. Cleary, and John H. Surratt, are revoked.

By order of the President of the United States:

E. D. TOWNSEND, *Assistant Adjutant-General*

INDEX

TO THE

FOREGOING PUBLIC LAWS, RESOLUTIONS, PROCLAMATIONS, AND EXECUTIVE ORDERS OF THE UNITED STATES.

A.

Abandoned Lands,
in insurrectionary states may be set apart for freedmen and refugees,..... 508
limit to amount assigned,..... 508
rent, and how determined,..... 508
occupants may purchase,..... 508
Abandoned Property,
sales of, may be made where,..... 375
lands, houses, &c., to be taken care of, 375, 376
when property is to be deemed abandoned,..... 376
Absence, Leave of,
provision for pay during,..... 145
aggregate of, not to exceed,..... 145
Absent Owners,
property of, how assessed, ... 227
Accardi, Mary Scales,
pension to,..... 595
Accounts,
oath in settlement of officers, for clothing, &c., who may administer, ... 491
Acids,
duty on,..... 212
Acknowledgment,
of bills of sale, conveyances, mortgages, &c., of vessels necessary before being recorded,..... 518
Acknowledgment of Deeds,
certificate of, does not require stamp,.. 294
certain defective, in the District of Columbia, cured,..... 531
in the District of Columbia, acts concerning, how construed,..... 532
what to be sufficient,..... 532
by feme covert, of deed executed by husband, to be sufficient to bar dower, 532
by married women,..... 532
Acting Assistant Paymasters in the Navy,
may be appointed assistant paymasters between the age of 26 and 30,..... 39
Acting Assistant Surgeons,
if disabled, &c., entitled to pensions,... 499
Acting Assistant Treasurers and Depositaries,
provisions concerning,..... 427
Acting Commanders,
appointment and pay of,..... 79
Acting Lieutenant-Commanders,
appointment and pay of,..... 79
Acting Masters,
may be confirmed and put in line of promotion, if, &c.,..... 79
Acting Masters' Mates,
to be styled mates,..... 539
pay may be increased,..... 539
Acting Passed Assistant Surgeons,
how appointed, pay, &c., of,..... 539
Acting Surgeons,
how appointed, pay of, &c.,..... 539
Acting Volunteer Lieutenants,
may be confirmed, &c.,..... 79
Additional Clerks,
authorized in office of Secretary of Treasury,..... 27, 161
of 1st and 2d comptroller,.....27, 449
of 1st, 2d, 3d, 4th, and 5th auditor, 27, 449
of treasurer and register,..... 27
of commissioner of customs,....27, 160
of Secretary of Navy,.....27, 373, 454
of adjutant-general, quartermaster and paymaster-general,..... 27
of commissary-general,..... 28
of chief of ordnance and chief engineer,..... 28
in bureau of equipment and repair, 454
of construction and repair,.... 454
in office of assistant treasurer in Boston,..... 457
in Post-Office Department, ... 515
in Attorney-General's office,..... 515
appointment of and appropriations for,. 28
former temporary appointments included herein,..... 28
females may be employed as,..... 28
salary not to exceed $600,.....28, 160
Additional Duties,
on certain articles under the revenue law,..... 483
on brandy, gin, liqueurs, &c.,.....492, 493
Additional Inspectors of Revenue,
authorized,..... 198
Adjutant-General,
appropriations for the office of, 24, 153,452,453
additional clerks in the office of,..... 27
appropriation for contingencies of office of, at head-quarters of military departments,..... 126
Ad valorem Duties. See *Duties on Imports.*
on goods from countries east of Cape of Good Hope,..... 493
assessment of,.....493, 494
penalty for undervaluation,..... 494
Advertisements,
duty on, and what exempt from duty,.. 280
for proposals to carry mails, to be published,..... 507

Advertising Letters,
pay for, not to exceed two cents each,.. 505
Affidavits,
under the homestead act, by persons in the military or naval service, how made, &c.,..... 35
by persons under bodily disability,..... 35
in legal proceedings exempt from duty, 301
African Slave-Trade,
treaty with Great Britain for suppression of,..... 645
See *Great Britain.*
appropriations for expenses under treaty with Great Britain for suppression of, 139, 352, 424
Agents, &c.,
among Indians, to have families with them,..... 695
Agents,
to purchase for the United States, products of states in insurrection,..... 377
Agricultural Implements,
to be furnished certain Indians,..... 694
Agricultural Statistics,
appropriations for,..... 155
Agriculture, Department of,
appropriations for,.....23, 155, 455
rooms for,.....381, 415
See *Department of Agriculture.*
Alabama,
not entitled to representation in electoral college,..... 567
provisional governor appointed for,..... 767
the United States to help,..... 767
convention, qualifications of electors, &c., 767
Ale, Beer, and Porter,
duty on, tariff,..... 203
internal revenue duty on,..... 242
Alexandria,
consul-general at, to have name and title of agent and consul-general,..... 138
Alexandria, D. C.,
commercial intercourse with, permitted, subject, &c., ... 735
Alienage,
plea of, not to exempt certain persons from military duty,..... 732
Aliens,
not to be exempted from enrolment or draft, if they have voted, &c.,..... 9
Allen, Isaac,
full pension to,..... 581
Ambulances,
act to establish uniform system of, in the armies of the United States,..... 20
authority of medical directors, &c.,.... 20
how furnished and distributed to each army corps,..... 20
provisions for care and use of,.....20, 21
to be used only for certain purposes,... 21
Ambulance Corps,
officers and enlisted men, what and how detailed for service in,.....20–22
to be examined, instructed, &c.,..20, 21
designation and uniform of,.....21, 22
ambulances, how furnished and distributed,..... 20
horse and mule litters,..... 20
what officers and men only to take the wounded to the rear,..... 21
Amendment,
proposed, to the Constitution of the United States,..... 567
Amendment, (continued.)
declared to be ratified, ... 774
Amendments,
allowed in complaints, or statements, on summary trials for minor offences,... 125
American Colonization Society,
accounts of, for support of recaptured Africans in Liberia, to be adjusted,... 569
American Maps,
and plans, for library of congress,..... 351
American Nautical Almanac,
appropriation for, ...85, 466
American Seamen,
appropriation for relief and protection of, 138
Ames, Julia A.,
pension to,..... 580
Amnesty Proclamation,
of President Lincoln,..... 737
not to apply to persons in custody, &c., 737
such persons may apply to the President for clemency,..... 738
of President Johnson, ... 758
classes of persons excepted from its operation,..... 759
regulations of Secretary of State, ... 759
Am-pe-tu-to-ke-cha,
payment to be made to,..... 427
Anderson, Charles,
assignee of John James, payment to,... 594
Andrews, Solomon,
appropriation to test his new mode of fastening mail-bags,..... 574
Annual Reports,
of heads of departments, &c., when and how to be printed,..... 185
number of copies, and how distributed,..... 185
Annuities,
to Shoshonee Indians, increased,..... 663
Shoshonee-Goship bands, granted,..... 682
to Chippewas, Pillager, and Lake Winnebagoshish Indians, extended,..... 694
board of visitors to be present at payment of certain,.....694, 697
See the several *Indian Treaties.*
Apache, Indians,
appropriations for the,.....165, 544
Southern agency of, abolished,..... 323
agent for, and Kioways and Camanches, to be appointed,..... 323
salary of,..... 323
Appeals. See *Internal Revenue.*
in cases arising under internal revenue law, how made, heard, and determined,.....228, 229
in prize cases, to be directly to supreme court,..... 310
from assistant assessor to assessor in matters connected with income tax,.. 481
Appraisers,
and assistant, to be appointed at Portland, Maine, and pay,..... 46
two additional, authorized in New York,..... 161
Appropriations,
for the army, civil expenses, consular and diplomatic expenses, fortifications, Indian department, legislative, &c., navy, &c., see those several *Titles.*
deficiency of, for pay, &c., of officers and men in Western Department,..... 1, 2
for invalid and other pensions,.....3, 421
for rebuilding stable at the President's,. 3
for protection of overland emigrants,... 14

Appropriations, (continued.)
deficiency for year ending June 30, 1864, and for other purposes,..... 22
for service of Post-Office Department, 29, 425
for conveying mails on Pacific coast,... 37
for negotiating treaty with Klamath, Modoc, and other Indian tribes,..... 37
to carry into effect Convention with Ecuador,.....37, 38
for support of military academy,....38, 467
for payment of officers and crew of the Bainbridge,..... 53
for refugee and destitute Indians in Southern confederacy,..... 62
for agricultural improvements in Uinta Valley,..... 63
to carry into effect postal money-order system,.....79, 506
for naval service for years ending June 30, 1865, and June 30, 1866,.....80, 462
for payment of awards of commissioner for damages by Sioux Indians,..... 92
for payment of Peruvian citizens, Stephen G. Montano and Juan del Carmen Vergel,.....95, 141
for support of the army for years ending June 30, 1865, and June 30, 1866,.... 126
for consular and diplomatic expenses, 137, 422
for legislative, executive, and judicial expenses for years ending June 30, 1865, and June 30, 1866,.....145, 445
for sundry civil expenses of the government,..... 344
for the construction, preservation, and repair of fortifications,.....353, 442
for the purchase of site and erection of buildings for branch-mint at San Francisco,..... 375
for rent of rooms for department of agriculture,..... 381
to carry into effect the act relating to smuggling,..... 381
to carry into effect the act establishing a branch-mint at Dalles City, Oregon,. 383
for completion, &c., of Washington aqueduct,..... 384
to carry into effect the act to encourage emigration,..... 387
for purchase of copies of Congressional Globe and Appendix,..... 392
for testing submarine inventions,..... 392
for deficiencies in public printing and bounties to volunteers,.....399, 400
for payment of taxes on certain lands owned by the United States,..... 402
for payment of volunteers for not less than one hundred days,..... 405
for payment of expenses incurred by joint committee on the conduct of the war,..... 406
for petty officers and crew of the gunboat Baron De Kalb,..... 408
for relief of sufferers by the accident at Washington arsenal,.....416, 417
for expenses of Indian Department for years ending June 30, 1865, and June 30, 1866,.....161, 541
for expenses of commission to carry into effect treaty with Great Britain respecting Hudson's Bay and Puget's Sound agricultural companies,..... 195
for the preservation of certain public works on Northern lakes and seaboard,.....200, 201

Appropriations, (continued.)
for preparing and issuing United States treasury notes, fractional notes, &c.,. 221
for expenses incident to carrying into effect the internal revenue act,..... 306
to settle the Navajoe Indian captives upon a reservation in New Mexico,.. 323
to negotiate a treaty with certain Indians of Middle Oregon,..... 324
to pay the officers and crew of the Essex for the destruction of the Arkansas, 342
to erect warehouses in or near port of New York, to store imports subject to quarantine,..... 419
for purchase or construction of six revenue steam cutters for the Lakes,.... 419
for relief of friendly Indians of the Sioux nation in Minnesota,..... 427
for negotiating treaties, &c., with Indians in Utah Territory,..... 432
to pay for lands, &c., taken for Indian reservations in Washington Territory, 432
for expenses of five-forty loan,..... 469
for assessment and collection of internal revenue,..... 483
for publishing opinions of Attorneys-General,..... 515
for clerks in Post-Office Department, 515, 516
for wagon-roads in certain territories,.. 517
to pay settlers in Hoopa Valley, California,..... 538
Arapahoe Indians,
appropriations for the,.....176, 555, 556
Architect,
and assistant, in construction branch of Treasury Department, authorized,... 27
Arizona Territory,
appropriation for government in,...157, 456
for Indian service in,.....180, 559
for surveys of public lands in,.... 350
post-roads established in,.....321, 525
Arkansas,
not entitled to representation in electoral college,..... 567
Armies of the United States,
printing of official reports of, to be edited, 185
Armored Plated Vessels,
appropriation for completion of,..... 80
Armory, National,
appropriation for,..... 129, 497
Arms,
appropriation for purchase and manufacture of,..... 23, 129
Army Appropriations,
for the years ending June 30, 1865, and June 30, 1866,.....126–130, 495–498
recruiting, transportation, citizen surgeons,..... 126, 495
books of tactics and instruction,..... 126
contingencies of adjutant-general's department,..... 126
copying official reports of armies,..... 126
bounties, &c., for enlistments,..... 126, 495
collecting, subsisting, drilling, &c., volunteers,..... 126
pay, commutation, &c.,...126, 127, 495, 497, 498
officers using soldiers as servants not entitled to allowances,..... 127
construction of former act as to additional compensation to officers in command of companies for duties, &c., as to arms, clothing, &c.,..... 127

Army Appropriations, (continued.)
subsistence in kind,..... 127, 495
quartermaster's department,..... 127, 495
incidental expenses of,.....127, 495, 496
purchase of cavalry and artillery horses, 128, 496
mileage and transportation,..... 496
freight, procuring water, clearing roads, &c.,..... 128, 496
quarters, &c., hire or commutation of,.. 128, 496
construction of huts, &c.,..... 128, 496
heating and cooking stoves,..... 128, 496
telegraph for military purposes,.... 128, 496
prisoners of war,..... 128, 496
steam rams,..... 128
clothing and camp equipage,..... 128, 497
contingencies,..... 128, 497
medicines, instruments, and dressings, 128, 497
hospital stores, clothing, furniture, bedding, &c.,..... 128
books, stationery, and printing,..... 128
ice, and other comforts for soldiers,.... 128
citizen nurses,..... 128
private hospitals, sick soldiers in,..... 128
artificial limbs for soldiers and seamen,. 128
citizen physicians and medicines,..... 129
clerks and laborers in purveying depots, ... 129
meteorological observations,..... 129
medical museum,..... 129
laboratory for medicines, &c.,..... 129
washing and washing-machines,..... 129
commanding general's office,..... 129, 497
secret service,..... 129, 497
armament of fortifications,..... 129, 497
ordnance service and stores,..... 129, 497
deficiency for ordnance for 1865,..... 497
purchase and manufacture of arms, 129, 497
repairs, improvements, &c., at armory, 129, 497
at arsenals,..... 129, 497
gunpowder and lead,..... 129, 497
signal-service and office,..... 129
pay, rations, uniforms, &c., of persons of color,..... 129
bounties, &c., not over $100,..... 129
bounties to certain volunteers, without regard to color,..... 129
pay, bounties, &c., of colored soldiers heretofore enlisted,..... 129
Attorney-General to determine question of law,..... 129
Secretary of War to provide pay, &c., if, &c.,..... 129, 130
enlistments in regular army may be for three years, or during rebellion,..... 130
commutation of officers' subsistence to be fifty cents a ration,..... 497
this not to apply to certain officers,..... 497
officers of volunteers now in commission under rank of brigadier-general to have three months' pay when mustered out of service,..... 497
officers in field may buy rations on credit,..... 497
how settled for,..... 497
tobacco at cost for enlisted men,..... 497
additional appropriation for pay of army,..... 497
Army Ration,
to be same as by law of 1861,..... 144
Army Register,
resolution providing for publication of a full, ... 412
full, to be published,..... 570
copies may be sold,..... 570
Arrest,
of those furnishing arms to the Indians ordered,..... 753
of Jefferson Davis and others, reward offered for the,..... 756
of felons from other countries committing felonies in this,..... 775
claims for rewards for arrest of Booth and others, to be filed by January 1, 1866,..... 777
Arsenal,
act requiring removal of, from St. Louis, repealed, ... 432
Arsenal at Rock Island,
Rock Island, Illinois, to be taken possession of by Secretary of War and held, 50
arsenal, &c., to be built thereon,..... 50
compensation for private property taken, 50
procedure, where damages are agreed upon, ... 50
where damages are not agreed upon, 50, 51
commissioners to assess damages, &c., ... 51
appeal from decision of commissioners,..... 51
trial by jury, &c.,..... 52
appeal to supreme court of the United States,..... 52
claims for damages to be adjusted within three years,..... 52
saving in favor of minors, married women, and persons under disability,..... 52
Arsenal at Washington,
relief to sufferers by a late accident at,..... 416, 417
Arsenals, Army,
appropriations for,..... 497
repairs, improvements, &c., at,..... 129
Artificial Limbs,
appropriations for,..... 23, 128
Artillery Horses,
appropriations for,..... 24, 128, 496
Assay Office, New York,
appropriations for,..... 156, 455
Assessment Districts,
under internal revenue act,..... 224
Assessments. See *Internal Revenue*.
of tax under the internal revenue law, how made,..... 225–230
erroneous, may be rectified,..... 228
not to be increased, unless, &c.,... 228, 229
Assessor,
of internal revenue, to appoint assistants,..... 469
Assessors and Assistant Assessors,
under internal revenue act,..... 224, 225
to assess, &c., duty on cotton,..... 16
Assignment,
of prize money due persons in naval service,..... 310
of bounty money,..... 310
of wages,..... 310
to be void, unless, &c.,..... 310
of lease, stamp-duty on,..... 482
Assistant Assessors,
of internal revenue, appointed by assessor,..... 469

Assistant Attorney-General,
salary of,..... 460
salary of, established,..... 516
Assistant Commissioner of Freedmen, &c.,
in each state in insurrection, and appointment, bond, and pay of,..... 508
military officers may be assigned to this duty,..... 508
accounts and reports of,..... 508
Assistant Depositaries,
who may act as, in case of sickness, or absence of,..... 427
bond, penalties, &c.,..... 427
Assistant Postmasters-General,
salary of,..... 460
chief clerk in offices of each, authorized, 515
salary,..... 515
Assistant Register of the Treasury,
limitation of office of, for one year, repealed,..... 28
Assistant Secretaries of Executive Departments,
salaries of,..... 460
Assistant Secretary of the Treasury,
additional, authorized,..... 26, 27
salary, power, and duties, of,..... 26, 27
Assistant Secretary of War,
salary of additional,..... 23
appointment of second, authorized, &c., 431
Assistant Treasurers,
appropriation for clerks, &c., for,..... 24
additional clerks in office of, at New York,..... 161
additional clerical force in office of, at Philadelphia,..... 351
clerks and employees in office of, at New Orleans,..... 161
who may act as, in case of sickness or absence of,..... 427
bond, penalties, &c.,..... 427
additional clerks authorized in office at Boston,..... 457
in office at St. Louis,..... 458
Asylum for the Deaf, Dumb, and the Blind,
appropriations for the,..... 349
Asylum for the Insane,
in the District of Columbia, certain persons may be admitted to,..... 427
appropriations for,..... 348
Asylum, Naval,
appropriations for,..... 85, 466
Atchison and Pike's Peak Railroad,
may buy certain lands of the Kickapoos, 625
conditions of purchase,..... 625
contract or purchase when void,... 626
patents for lands to contain what conditions,..... 626
provision for bona fide purchasers from railroad,..... 626
lands when purchased to be part of Kansas,..... 626
Atocha, Alexander J.,
claim of, to be examined by court of claims, and paid, if, &c.,..... 595
Attachments,
of property claimed by the United States, how may be discharged,.... 122
provision in case judgment is obtained in the proceedings,..... 122, 123
of property of certain delinquent or defaulting agents of Post-Office Department,..... 432–434
proceedings to obtain, execute, and discharge warrant of,..... 433, 434
See *Post-Office Department.*
Attorney,
United States, for District of Columbia, fees and emoluments of,..... 195, 196
Attorney-General,
appropriations for the office of the,. 157, 457
to decide questions of law as to pay, &c., of colored soldiers,..... 129
rooms for office of,..... 459
clerks in office of, and their salaries,... 516
salary of assistant,..... 516
additional pay to come from unexpended balances,..... 516
may contract for publishing the opinions of the attorney-general,..... 514
Attorneys,
in national courts to take oath,..... 424
oath to be filed,..... 424
falsely taking, to be perjury,..... 424
Attorneys-General,
opinions of the, to be published,... 514, 515
style of publication, copyright, &c.,. 514, 515
editing, distribution, &c.,..... 515
appropriation for,..... 515
Attorneys of the United States.
See *District Attorneys.*
Auction Sales,
duty on, under internal revenue act,... 273
Auditors of the Treasury,
appropriations for offices of,.. 149, 150, 449, 450
additional clerks in offices of,..... 27, 449
Auditor of Treasury for Post-Office Department,
appropriations for office of the, 149, 150, 449
duty of, under the money-order system, 78
to superintend the collection of all debts due to the United States or Post-Office Department,..... 78
Avenues in Washington,
appropriations for,..... 347

B.

Baca, Luis Maria,
heirs of, may re-locate certain land in New Mexico,..... 125
effect of such re-location,..... 126
right to former location void,..... 126
Baggage,
of passengers to be inspected, &c., on arrival,..... 197
Bailey, Lieutenant-Colonel Joseph,
thanks of congress to,..... 408
Bailiff of Orphans' Court,
in District of Columbia, may serve process issued by said court,..... 194
fees therefor,..... 194
Bainbridge, The United States Brig,
date when to be deemed to have been lost,..... 52, 53
widows and children, &c., of those lost to receive a sum, in addition to pay due, equal to twelve months' pay,.... 53
accounts of paymaster Charles C. Walden to be settled,..... 53
Baker, Mary A.,
pension to,..... 599
Banking Associations,
how may be formed,..... 100
act authorizing, may at any time be altered or repealed,..... 118
persons forming, to make certificate under seal,..... 101

Banking Associations, (continued.)
certificate to specify what,..... 101
to be acknowledged, &c.,..... 101
copies, &c., duly certified and authenticated, to be evidence of existence of bank, &c.,..... 101
copy of articles of association, to be sent to comptroller of currency,..... 101
associations, when to be corporations and when to commence business,..... 101
may have seal and succession for twenty years, unless, &c.,..... 101
general powers,..... 101, 102
president, directors, and officers,... 101, 102
place of business,..... 102
directors, qualifications, oath,..... 103
term of office of, vacancies, &c.,... 103
voting and proxies,..... 103
capital stock, to be not less than $100,000,..... 101
when not to be less than $200,000,. 101
when may be $50,000,..... 101
how to be paid in,..... 103
how may be increased,..... 103
how may be reduced,..... 103
how to be divided,..... 102
shares, how assignable,..... 102, 103
limit upon transfer,..... 102, 103
stock of delinquent shareholders may be sold, &c.,..... 103
mode of sale,..... 103, 104
United States registered bonds to be deposited with treasurer by association to an amount equal to one third of stock, before commencing business,.. 104
deposit may be increased or diminished,..... 104
comptroller to examine articles of association, &c.,..... 104
may require oath of officers,..... 104
may appoint special commission to make inquiry,..... 105
when satisfied that association may commence business to give certificate,..... 105
associations to cause certificates to be published,..... 105
shares in associations to be personal property,..... 102, 103
how transferable, and effect of transfer,..... 102, 103
not to be exempt from taxes imposed by state authority,..... 112
limit to such tax,..... 112
shareholders personally liable to twice the amount of shares,..... 103
executors, guardians, trustees, &c., holding stock not to be personally liable,. 118
funds in their hands to be liable,... 118
real estate of, for what purposes may be held,..... 107, 108
not to be exempt from state and municipal taxes,..... 112
before commencing business, to transfer to treasurer United States bonds,.... 105
transfer to be made in trust,..... 105
how executed,..... 105
not to be valid unless countersigned by comptroller,..... 105
transfer book to be kept,..... 105
transfers to be countersigned and entered,..... 105
amount of bonds, and where to be kept,..... 104, 105

Banking Associations, (continued.)
after transfer, to receive ninety per cent. of current value of bonds in circulating notes,..... 105
amount of notes not to exceed capital stock paid in,..... 105
entire issue of circulating notes not to exceed $300,000,000,..... 105, 106
notes how to be prepared,..... 106
to express what upon their face,... 106
to bear what devices, &c.,..... 106
limit to amount of notes under $5,..... 106
plates and dies for notes, to be in custody of comptroller,..... 111
expenses of procuring plates and dies, &c., how borne,..... 111
association to pay semi-annually one half per cent. on its average circulation,..... 111
one fourth per cent. on its average deposits,..... 111
one fourth per cent. on its average capital beyond amount invested in United States bonds,..... 111
proceedings in case of default,.... 111
to make semi-annual returns of circulation, deposits, and capital stock,..... 111
penalty for default,..... 111
when may issue circulating notes as money,..... 106
notes to be received at par for all dues to the United States, except duties on imports,..... 106
association not to loan on pledge of its stock,..... 110
nor own its stock, or stock of other association, unless, &c., ... 110
shareholders entitled to one vote for each share,..... 102
may vote by proxy, ... 102
officers cannot act as proxy,..... 102
when shareholder cannot vote,.... 102
directors, — number, residence, interest, oath,..... 101, 102
term of office, election, vacancies,. 102
association to have what amount of money on hand,..... 108
when not to make new loans,..... 108
what may be deemed lawful money, 109
if reserve falls below amount required, comptroller to notify,..... 109
if deficiency not made good, receiver to be appointed, ... 109
debts of association not to exceed capital, except, &c.,..... 110
circulation not to be pledged, ... 110
capital not to be diminished by dividends, &c.,..... 110
dividends payable semi-annually,..... 109
before declaring dividend, one tenth of net profits for preceding half year to be carried to surplus fund, until, &c.,..... 109
rate of interest on loans and discounts,. 108
usury, to forfeit the debt,..... 108
what not to be deemed usury,..... 108
action to be commenced within two years, ... 108
liability of any individual to the association, not to exceed what amount,. 108
certain notes not to be put in circulation,..... 111

Banking Associations, (continued.)
all transfers, assignments, payments, &c., after an act of insolvency, or in contemplation thereof, to be void,.... 115
if directors knowingly violate this act, franchise to be forfeited, and they held individually,..... 116
comptroller to cause associations to be examined, when he thinks proper,... 116
compensation and examiners, and how paid,..... 116
embezzlement, &c., of funds, by officers or directors, how punished,..... 116
list of shareholders to be kept,..... 111
to be open to inspection,..... 111
copy to be sent each year to comptroller,..... 111
any association may go into liquidation and be closed, by vote of shareholders owning two thirds of stock,..... 112
proceedings in such case,..... 112
notice to be published and where,. 112
holders of notes called upon to present them, &c.,..... 112
after a year from publication of notice may pay treasurer amount of outstanding notes, and take up bonds,..... 112
treasurer to execute duplicate receipts therefor,..... 112
mutilated and defaced notes redeemed,..... 112
any association may be depositary of public moneys,..... 113
suits under this act, on behalf of the United States, to be conducted by district attorneys,..... 116
suits against associations, where may be brought,.....116, 117
penalty for mutilating, &c., circulating notes, with intent, &c.,..... 117
forging, &c., circulating notes,..... 117
uttering, &c., forged notes,..... 117
engraving, &c., or having custody of plates, paper, &c., with intent, &c.,..... 117
comptroller to report annually to congress,..... 117
contents of report, and when to be made,.....117, 118
any lawfully existing bank, &c., may become an association,.....112, 113
proceedings in such case,..... 113
notes to be received at par for all dues from the United States, except interest on public debt,..... 106
not to issue as money any notes except circulating,..... 106
post notes, not to be issued,..... 106
bonds transferred as security for circulation, to have fact stated on certificate,..... 105
how such bonds may be transferred,... 105
record of transfer,..... 105
association to be notified of transfer,... 105
comptroller and treasurer may examine each other's books,..... 105
association to examine yearly its bonds, and compare same with books of Treasury Department,..... 106
if found correct, to give treasurer certificate,.....106, 107
examination may be made by agent appointed in writing,..... 107

Banking Associations, (continued.)
associations to report quarterly to comptroller, under oath,.....109, 110
contents of report,..... 110
abstracts of reports to be published, 110
separate reports to be published in local papers,..... 110
in large cities, monthly reports to be published,..... 110
circulating notes, if not redeemed, holder may protest,.....109, 113
proceedings for protest,..... 113
expenses of protest, how paid,..... 115
notes not to be protested in certain cases,..... 114
association not to continue banking business,..... 113
circulation to be redeemed in New York at par,..... 109
one half of lawful money reserve to be kept in New York,..... 109
notice of name of association in cities where notes will be redeemed at par, to be given,..... 109
in case of failure to do so, comptroller may appoint receiver, &c.,... 109
notes of other associations to be taken at par, &c.,..... 109
comptroller, on notice of failure to redeem circulation, to ascertain the fact, 114
may appoint special agent for the purpose,..... 114
to declare bonds pledged to be forfeited,..... 114
to notify holders to present notes for payment,..... 114
proceedings in paying the notes,... 114
may cancel an amount of bonds equal to notes paid,..... 114
or may sell at auction in New York,..... 114
or at private sale,..... 114
but for not less than par,..... 114
may appoint a receiver,..... 115
proceedings in such case,..... 115
bond and duties of receiver,..... 115
if failure is denied, how question may be tried,..... 115
bonds transferred as security for circulation, to be so held,..... 107
interest thereon, to whom paid,... 107
may be surrendered, &c., on cancelling circulation, if, &c.,..... 107
if market value of bonds depreciates, and difference is not made good on notice, comptroller to do what,..... 107
proceedings when former market value is regained,..... 107
worn out or mutilated notes may be exchanged for new,..... 106
proceedings to make the exchange, 106
old notes to be burned,..... 106
certificate of burning to be made,. 106
circulating notes not to be signed or delivered, except as provided for,..... 107
penalty for violation of this law,... 107
expenses of examinations and of receivership, how paid,.....115, 116
after transfer and delivery of bonds, may receive circulating notes,..... 498
limit of amount of notes to be received, 498
apportionment of authorized circulation, 4[illegible]

Banks,
existing, applying before July 1, 1865

Banks, (continued.)
to become national banks, to have preference,..... 484
with branches becoming a national bank, may keep alive branches,..... 484
Banks and Banking,
provisions of internal revenue act concerning,.....277, 278, 284
Banks, Major-General Nathaniel P.,
thanks of congress to,..... 401
Barbary Powers,
expenses of intercourse with,..... 138, 422
Barham, James,
gratuity to,..... 598
copy of act granting, to be sent to,..... 598
"Baron De Kalb," the Gunboat,
pay to sailors, for loss of clothing on,.. 408
Barracks,
appropriations for,.....24, 82, 464
Barry, Garrett R.,
released as surety for John De Bree,... 604
Bath, Maine,
wharf at, belonging to the United States may be leased or sold,..... 539
Secretary of Treasury to execute proper conveyances,..... 539
"Baxter, E. M.," The Schooner,
American register to issue to,..... 570
Bay de Noquet and Marquette Railroad,
lands granted to Michigan to aid in completion of,.....520, 521
Beelen, Frederick A.,
payment to, for difference of salary,... 580
Beer,
duty on,.....203, 242
See *Duties on Imports, Internal Revenue.*
Belgium,
convention between the United States and, of May 20, 1863,..... 647
tonnage dues in Belgian ports to cease, 648
fees for pilotage to be reduced,..... 648
port dues, &c., reduced,..... 648
transportation of salt,..... 648
tariff of import duties,..... 648
capitalization of Scheldt dues,..... 649
contribution of the United States,. 649
how and when payable,..... 649
duration of this convention,.....649, 650
further stipulations as to United States consuls in Belgium,..... 650
treaty between the United States and, of July 20, 1863,..... 655
the Scheldt dues renounced,.....655, 656
tonnage dues suppressed, not to be reëstablished,.....655, 656
pilotage and local taxes reduced, not to be increased,.....655, 656
Belgium, King of,
named as umpire under convention with Peru,..... 636
See *Peru.*
Belligerent Rights,
disallowed to persons, trading, &c., in ports of the United States,.....
Bergen, Norway,
international exhibition at, to be made known to the people of the United States,..... 572
Berry, Eliza,
pension to,..... 600
Beverly,
office of naval officer at, abolished,.... 444
office of surveyor at, abolished,..... 444
Biennial Register,
appropriation for,..... 350
Billiard Tables,
duty on,..... 274
Bill of Sale,
of vessel not to be recorded unless acknowledged,..... 519
Binding, Public,
appropriations for,.....25, 148, 447
none to be done except upon requisition, 25, 118
form and style of, how determined,..... 186
Blackfoot Indians,
appropriations for the,....162, 179, 541, 559
Blind, The Indigent,
in the District of Columbia, where to be educated,..... 436
expense how to be borne,..... 436
Blockade,
of Norfolk, Fernandina, and Pensacola, to cease so far that, &c.,..... 751
of ports in the United States rescinded, 768
purpose of such blockade,..... 768
Blue Mont College,
may locate military bounty land warrants on their lands,..... 585
Board of Tax Commissioners,
duties, salary, &c. of, in collecting taxes in insurrectionary districts,.....501–504
See *Direct Taxes in Insurrectionary Districts.*
Boards of Enrolment,
duties of, under act enrolling, &c., the national forces,.....7, 11
members not to be employed in procuring substitutes,..... 10
penalty upon members of, for illegally discharging drafted persons,..... 11
copies of records of, to be evidence,... 9
who may administer oaths in proceedings before,..... 491
Bolsa de Tomales, The Rancho,
lines of public surveys to be extended over,..... 136
actual cost to be paid by settlers,.. 136
settlers may enter their lands after survey, 136
limit to amount to be entered,..... 136
claims of, to be presented within what time,..... 136
Bonded Warehouses,
when goods in, may be entered for consumption and bonds be cancelled,.... 12
certain goods in, may be entered for consumption and bonds cancelled before September 1, 1864,..... 133
duties and charges to be paid,..... 133
goods in, subject to what duty,..... 216
under internal revenue act, provisions concerning,.....245, 247, 297
time for withdrawal of goods from, for exportation, extended,..... 420
See *Internal Revenue.*
Bonds. See *Loan.*
of collectors, naval officers, surveyors, &c., to be approved by commissioner of customs,..... 134
Secretary of Treasury may issue coupon or register, for loan of $400,000,000,..... 218
payable in not less than five, nor more than forty, years,..... 218
interest not over six per centum payable in coin,..... 218
denominations,..... 218
where and how may be disposed of,.... 218

Bonds, (continued.)
all bonds, treasury notes, &c., to be exempt from state or municipal taxes,.. 218
Secretary may issue in lieu of part of bonds, $200,000,000 of treasury notes, 218
denomination, and when payable,.. 218
interest payable in lawful money,.. 218
how may be disposed of,..... 218
to be legal tender for what,..... 218
to be convertible into bonds,..... 219
may be substituted for notes of previous issues,..... 219
interest-bearing notes not to be tender for redemption of circulation of banks,..... 219
interest on bonds heretofore issued may be paid semi-annually,..... 219
bonds heretofore issued may be exchanged for seven and three tenth notes,..... 219
Secretary of Treasury may receive temporary loans,..... 219
certificates of deposit to be issued therefor,..... 219
payable after ten days' notice,..... 219
aggregate not to exceed $50,000,000, 219
reserve for their payment,..... 219
fractional currency may be issued to amount of not over $50,000,000,..... 220
provisions concerning,..... 220
coupon and registered bonds to be of what form, and how executed,..... 220
former bonds made valid,..... 220
form of treasury notes,..... 220
to have statements printed thereon,..... 220
and imprint of seal of treasury,.... 220
registered bonds may be issued for coupon bonds,..... 220
mutilated and defaced bonds may be replaced,..... 220
instructions to officers receiving or preparing United States notes,..... 221
expenses of preparing, &c., how borne,. 221
not to exceed one per cent.,..... 221
penalty for counterfeiting, &c., any obligation or security of the United States,..... 221
meaning of "obligation" or "security,"..... 222
for uttering, &c., such obligation, &c.,..... 221
for unlawful custody or use of plates for printing,..... 221
for engraving plates,..... 221
for printing or photographing notes, 222
for bringing into the United States such printed or photographed notes,..... 222
for wrongfully retaining plate,..... 222
for using plate, &c., in counterfeiting notes,..... 222
pending prosecutions not affected,..... 222
treasury notes may be issued in lieu of those authorized by act of June 30, 1864,..... 425
limit to issue,..... 425
how may be disposed of,..... 425
no additional legal-tender notes authorized,..... 425
exempt from taxation,..... 425
certain five-twenties may be sold,..... 425
Secretary of Treasury may issue to an amount not exceeding $600,000,000,.. 468

"Book,"
the word to mean what, in acts respecting copyrights,..... 540
to include subsequent editions,..... 540
Books, &c.,
duty on,..... 213
Books and Documents,
to be distributed to members of present congress,..... 570
Books, Charts, &c.,
appropriations for, for navy,..... 81, 462
Books of Account,
production of, may be required upon hearing of appeals under the internal revenue law,..... 229
Books of Tactics, &c.,
appropriations for,..... 24, 126
Books, Stationery, and Printing,
appropriations for,..... 128
Booth, Thomas,
pension to,..... 600
Boston and Charlestown,
additional inspectors of revenue at,.... 198
Botanic Garden,
appropriation for,..... 349
Bottles,
duty on,..... 203
Boundary Line,
between the United States and British possessions bounding on Washington Territory, expenses of commissioners to run,..... 424
Bounties and Premiums,
for recruits in regular army, volunteers, and drafted men,..... 126
to colored soldiers,..... 126
to be paid certain volunteers, without regard to color,..... 129
sick soldiers discharged and dying in hospital,..... 356
certain non-commissioned officers and soldiers of regular army reënlisting, to be entitled to,..... 144
appropriation for,..... 400
time for paying limited,..... 400
time for paying extended,..... 400, 403
Bounties, &c., for Recruits,
appropriations for,..... 495
Bounties for Destruction of Enemies' Vessels,
appropriation for,..... 85
Bounty,
paid to persons under eighteen, to be repaid before discharge,..... 10, 380
to mariner enlisting into navy, to be deducted from prize money,..... 7
to master of loyal slaves enlisting,..... 11
to seamen, &c., appropriation for,..... 80
to persons enlisting in navy or marine corps,..... 342
to widows and children, &c., of soldiers discharged for wounds received in battle, and dying before receiving bounty,..... 487
how and to whom to be paid,..... 487
privates and others discharged for wounds received in line of duty, to receive same bounty as if full term had been served,..... 488
of $100 allowed to heirs of volunteers killed in battle, to be extended to widow,..... 488
to children of such volunteer, whether enlisted for two years or less,..... 488

Bounty, (continued.)
wilfully depriving volunteers or substitutes of, punished,..... 490
no person appointed, or rated officer or clerk in navy to receive, while holding an appointment,..... 539
appropriation to pay officers, &c., of gunboat Essex, for destroying the Arkansas,..... 342
claims for, in late war with Great Britain, act providing for satisfying,..... 378
warrants already issued, to be located hereafter,..... 379
former entries confirmed,..... 379
Box-rents,
to be part of postal revenues,..... 337
Branch County,
Michigan, made part of eastern judicial district,..... 145
Branch Mint,
erection of buildings for, at San Francisco, authorized,..... 375
appropriation for, at San Francisco, 155, 375
at Denver,..... 22, 156
at Dalles City, in Oregon, act to establish,..... 382
officers, &c., salaries, oath, &c.,.... 382
to be under control of director of mint,. 382
rules, &c., for, how made,..... 382
to be place of deposit for public moneys, &c.,..... 383
superintendent to be assistant treasurer, ... 383
certificates of deposit for gold, &c.,..... 383
appropriation for,..... 383
at Carson City, Nevada, title of lands to be obtained for,..... 569
Brandy. See *Duties on Imports*.
duty on,..... 202, 203
distilled from grapes to pay internal revenue duty of twenty-five cents a gallon,..... 244
distilled from grapes, apples, and peaches, duty on,..... 472
additional import duty on,..... 492, 493
Brass, and Manufactures of,
internal revenue duty upon,..... 477
Brazil,
ocean mail-steamship service between the United States and,..... 93
Breaking
boxes, bales, packages, &c., penalty for wilfully,..... 198
Brenton, Major N. S.,
allowance of $2,600,000 to, in settlement of accounts, ... 584
Brevet,
officers by, in regular army to receive same pay, &c., as volunteers,..... 488
Bridge,
over the Ohio River above the Falls, may be constructed,..... 431
height, spans, draws, &c.,..... 431
to be a post-route,..... 431
across the Ohio River at Cincinnati, Ohio, and Covington, Ky., made a lawful structure and post-road,..... 431
Bridges,
provisions of internal revenue law concerning,..... 275, 277
Bridges across the Potomac,
appropriation for drawkeepers of,.. 159, 459
Brigham, Henry A.,
payment to,..... 596
Brokers' Sales,
duty on certain, under internal revenue act,..... 273, 478
Brooks, John,
lands in Missouri, granted to, or his representatives,..... 582
Brown, William G.,
payment to, for stone, &c.,..... 579
Brownsville, Texas,
blockade of, so far to cease that, &c.,... 740
shipments of certain articles not allowed, 740
Buffalo,
sea-wall at,..... 354
Buffalo Creek,
additional inspectors authorized at,..... 198
Building Corner of F and Fifteenth Streets,
appropriations for general purposes of,. 153, 154, 454
Building Corner of F and Seventeenth Streets,
appropriations for general purposes of,. 153, 453
Bunting,
may be contracted for, of American manufacture,..... 467
but not by contract with lowest bidder,..... 467
Bureau for the Relief of Freedmen and Refugees,
act establishing,..... 507, 508
duty of bureau,..... 507, 508
commissioner and clerks,..... 507
their pay and oath of office,..... 507
commissioner and chief clerk to give bonds,..... 507
issues of clothing, provisions, and fuel,. 507
assistant commissioner in each state in insurrection,..... 508
bond and pay,..... 508
military officers may be assigned to this duty,..... 508
accounts and special reports of,.... 508
assistants to report quarterly,..... 508
abandoned lands in insurrectionary states to be set apart for freedmen and refugees,..... 508
limit of land assigned,..... 508
rent, and how based,..... 508
occupants may purchase,..... 508, 509
Bureau of Military Justice,
established,..... 145
a judge advocate-general to be head of,. 145
assistant judge advocate-general,... 145
duties of,..... 145
clerks in, Secretary of War to appoint,. 145
Bureaus in the Navy Department,
appropriations for,. 81, 82, 154, 454, 462, 463
Burkes, William,
payment to,..... 579
Burlington and Missouri River Railroad Company,
entitled to receive lands,..... 96
limits of selection,..... 96
authorized to change location,..... 335
map of change of location to be filed in one year,..... 335
may extend its road,..... 364
right of way and lands granted to,..... 364
Indian titles to be extinguished,..... 364
maps of change of location of, to be filed in three months,..... 528
time for completing road extended one year, ... 573
law requiring map of change of location to be filed within one year, repealed,. 573
Burns, John L.,
pension to,..... 577

Burnside, Major-General Ambrose E.,
thanks of congress to,..... 401
Bush, Asahel,
accounts of, as public printer of Oregon, to be settled,..... 580

C.

Cadet Engineers,
appointment of, authorized,..... 393
number and who may be appointed,.... 393
age and examination,..... 393
academic course,..... 393
Cadets,
at Military Academy, pay of,..... 39
deficient at examinations, not to be continued, &c., unless, &c.,..... 39
found deficient at examination, former act concerning, repealed,..... 467
"Cairo," The,
pay of petty officers and crew of the,..... 85
Calapooias,
appropriations for the,.... 171, 172, 550, 551
Caldwell, Walter K.,
payments to, for carrying the mails, ... 576
Calhoun County,
Michigan, made part of eastern judicial district,..... 145
California,
terms of federal, circuit, and district courts in,..... 4, 5
special sessions of such courts,..... 4, 5
business, &c., thereat,..... 4, 5
act for better organization of Indian affairs in,..... 39
See *Indian Affairs.*
act for the relief of settlers upon lands within the grant for the Rancho San Ramon,..... 69
claimants may contest location,..... 69
if the United States has any title, bona fide settlers to have patents,..... 69
lines of public surveys to be extended over tract known as the Rancho Bolsa de Tomales,..... 136
land in, known as College Rancho, may be sold,..... 143
appropriations for Indian services in,... 179, 557, 559
for surveys of public lands in,..... 349
land in, known as Point San Quintin, granted to, for state-prison purposes, 194, 195
grant of Yo-Semite Valley to,..... 325
grant of Mariposa Big-Tree Grove,.... 325
act to expedite settlement of land titles in state of,..... 332
See *Land Titles.*
act to quiet land titles in Rancho Laguna de Santos Callé in,..... 373
post-routes established in,..... 316
light-house service on coast of,..... 346
appropriations to pay settlers in Hoopa Valley in, for improvements on Indian reservation in,..... 538
post-roads established in,..... 522
California Land Claims,
appropriation for expenses of private,.. 157
Camanches,
appropriations for the,..... 165, 544
Camp and Garrison Equipage,
appropriations for,..... 24, 128, 461, 497
Canal Boats,
hulls and boilers of certain, to be inspected,..... 120
fees for inspection,..... 120
Cancellation of Stamps,
provisions concerning,..... 293
who to cancel and how,..... 293
penalty for using stamp without cancelling,..... 293
commissioner may prescribe other effectual modes,..... 293
on proprietary articles,..... 293
Cannon,
importation of, into Ottoman Empire may be prohibited,..... 617
Cape of Good Hope,
additional duties on goods from countries east of, imported, &c.,..... 493
Cape Perpetua,
collection-district of, abolished,..... 125
Capital,
of banks, &c., duty on,..... 277
of banking associations, amount, increase, and reduction of,..... 101, 103
of banks, &c., what to be deemed under revenue act,..... 486
Capitol Extension,
appropriations for,..... 25, 350
Capitol Hotel Company,
in Washington, D. C., incorporated,... 539
names of corporators,..... 539
purposes of corporation,..... 539
capital stock, shares, transfer,..... 540
directors, annual meeting, by-laws,.... 540
Capitol Police,
appropriations for,.....26, 159
Captains in the Navy,
certain payments made to, ratified,..... 182
Captured Property,
sales of, may be made where, ... 375
Carpenter, J. N.,
paymaster in the navy, to be credited in settlement of accounts, with money stolen,..... 587
Carriages,
duty on under the revenue law,..... 274
Carson City, Nevada,
title to certain lands at, to be obtained for branch mint,..... 569
Cartee, L. F.,
payment to, for surveys of public lands, 576
work of, to be tested before payment, &c.,..... 576
Carter, Dorsey Edwin William,
name of, changed from that of Dorsey Edwin William Towson,..... 597
Cases,
containing teas, to be branded,..... 494
Cashier of Internal Revenue,
appointment, salary, duty,..... 224
See *Internal Revenue.*
Casks,
exported full and returned empty, to be free of duty,..... 217
containing distilled spirits, to be branded,..... 494
Cavalry and Artillery Horses,
appropriations for purchase of, 24, 128, 461, 496
Cayuses,
appropriations for the,.....173, 552
Cedar Rapids and Missouri River Railroad Company,
may change location and have lands, 96, 97

Cedar Rapids, &c., (continued.)
limits of selection, and conditions of grant, ... 97, 98
rights of others not affected, ... 98
Cemeteries,
certain, in District of Columbia, to be taxed, ... 193
certain lots in, to be exempt, ... 193
Cemetery,
for navy and marine corps at Philadelphia, appropriation for, ... 85
Cemetery at Constantinople,
appropriation for, ... 138
Cent,
standard weight, and composition of, ... 54
two-cent pieces to be coined, ... 54
shape and device thereof, ... 54, 55
present laws extended to coinage of, 55
director of mint to secure conformity of alloy in said coins, ... 55
such coins to be a legal tender, and in what sums, ... 55
penalty for making coins, &c., intended to be passed as cents, ... 55
to be a legal tender for what amount, .. 518
Central Pacific Railroad Company,
of California, provisions relating to rate of building road, &c., ... 357
may issue bonds, ... 504
assignment by, to Western Pacific Railroad Company, ratified and confirmed, 504
Certificate of Disability,
by physician, &c., to claimant of exemption from draft, no fees for, ... 10
Certificate of Growth, &c.,
not required in certain cases, ... 140
Certificates of Deposit,
may be given for temporary loans to the United States, ... 219
may be paid for gold dust and bullion, ... 383
Cession of Lands,
to the United States, ... 667
to the United States by the Utah Indians, ... 674
boundaries of lands ceded, ... 674
by certain Chippewas, ... 693
See *Utah Indians, Chippewas, &c.*
Challenges,
in jury trials of minor offences, ... 125
to jurors in United States courts, ... 500
in trials for treason or capital offences, defendant has twenty and the United States five peremptory challenges, ... 500
in trials for other offences, ... 500
to be tried by the court, ... 500
Champlain,
additional inspectors authorized in, ... 198
Chaplains,
in the army, without command, rank of, recognized, ... 46
to be borne on rolls next after surgeons, ... 46
pay and allowances of, ... 46
entitled to pensions, ... 46
to make monthly reports, ... 46
to perform funeral services, and hold public religious services, ... 46
Charter,
of city of Washington amended, ... 407
Charter of Vessels,
for naval and blockading purposes, ... 80
Charts, &c.,
appropriations for, for navy, ... 81, 462
Chastas,
appropriations for the, ... 162, 541
Cherokee Nation,
appropriations for the, ... 180, 558, 564
Cheyennes,
appropriations for the, ... 176, 555
Chicago,
city of, may erect piers in navigable waters of Lake Michigan, ... 1
piers to be lighted, ... 1
marine hospital and grounds at, may be sold, ... 142
additional inspectors authorized at, ... 198
Chickasaws,
appropriations for the, ... 165, 180, 544
Chief Clerk,
in Attorney-General's office, ... 516
in offices of each of the assistant postmasters-general, authorized, ... 515
Chief Engineer,
appropriations for office of, ... 154, 453
additional clerks in office of, ... 28
Chief Engineers of the Navy,
number and pay of, established, ... 393
Chief of Ordnance,
appropriations for office of, ... 153, 453
additional clerks in office of, ... 28
salary of, ... 515
Chief of Staff,
to lieutenant-general commanding, ... 500
rank, pay, and allowances of, ... 500
Chiefs (of Tribes of Indians,)
persons with bands of less than fifty, not to be recognized as, ... 695
gratuities to, ... 695
houses and lands for, ... 693, 694
Children,
certain, in Washington, may be bound out, ... 131
of certain officers, &c., to receive pension, ... 499
of person enlisted into military or naval service, to be free, ... 571
evidence that they are children of such person, ... 571
China,
salary of interpreters and expenses of courts in, ... 137, 139, 424
ocean mail-steamship service with, authorized, ... 430
See *Ocean Mail-Steamship Service.*
Chippewa Indians,
treaty with the Red Lake and Pembina bands of, of October 2, 1863, ... 667
peace and friendship to be perpetual, ... 667
lands ceded to the United States, ... 667
boundaries, ... 667
payment for, and how distributed, 668, 689
certain amount to be reserved, and how applied, ... 668
amnesty for past offences, ... 668, 690
appropriation for former depredations, 668, 670, 690
claims, how to be ascertained and audited, ... 668
for powder, lead, twine, &c., ... 668
to encourage the adoption of habits of civilized life, ... 668
for road from Leech Lake to Red Lake, ... 668
board of visitors to attend annuity payments, ... 668
their appointment, duty, pay, &c., . 668

Chippewa Indians, (continued.)
laws against spirituous liquors to be in full force, ... 668
grant of 160 acres of land to certain of these Indians,.....669, 690
boundaries to be adjusted,..... 669
no scrip to be issued,.....670, 690
assignments, patents, &c.,..... 670
ratification, with amendments,.....670, 671
amendments assented to,.....670, 671
supplementary articles, April 12, 1864,. 689
assent to treaty of October 2, 1863,.... 689
payment in lieu of former annuity,.... 689
annual expenditures for blankets, provisions, &c.,.....689, 690
blacksmith, physician, miller, and farmer,..... 690
iron, steel, carpentering,..... 690
saw-mill and mill-stones,..... 690
modification of former treaty,..... 690
payment of damages,..... 690
scrip to issue in lieu of land,..... 690
signature, ratification, &c.,.....690, 691
Chippewas,
appropriations for the, 162, 163, 164, 168, 177, 541–544, 547, 556, 560
Chippewas of the Mississippi,
treaty with, of May 7, 1864,..... 693
Gull Lake and other reservations ceded to the United States,..... 693
grants to John Johnson, Hole-in-the Day, and other chiefs,..... 693
reservations to be set apart for,..... 693
boundaries,..... 693, 694
annuities to, extended for ten years, 694, 695
payments towards settlement for depredations committed by,..... 694
to chiefs,..... 694
for clearing, &c., lots in reservation, 694
houses for chiefs,..... 694
oxen, ploughs, and other agricultural implements to be furnished,..... 694
carpenters, blacksmiths, laborers, physician,..... 694
saw-mill, roads, bridges, agency buildings,..... 694
board of visitors at annuity payments,..... 694
to make inspection and report annually,.....694, 695
their pay, &c.,..... 695
chiefs not to be recognized, unless with bands of more than fifty,..... 695
encouragements to those desiring to adopt pursuits of civilized life, 695
gratuities to,..... 695
agents, teachers, traders, &c., to have families residing with them,..... 695
improper persons not to have benefit of reservations,..... 695
may be expelled the reservation,.. 695
payment of annuities,..... 695
preference given to full or mixed bloods as laborers,..... 695
not to remove from present reservations, until, &c.,..... 695
Mille Lac Indians not to remove until, &c.,..... 695
those on Sandy Lake reservation, ... 696
certain females may be paid as teachers, 695
provision for clearing, &c., lands to be in lieu of former provisions,..... 695
amendments,.....695, 696
Choctaws,
appropriations for the,.....165, 180, 544
Cigar-Lights,
provisions of revenue law concerning, 482, 485
Cigars. See *Internal Revenue*.
duty on,..... 203
provisions for manufacture of, and duty upon, under internal revenue law, 261, 264, 270, 474, 475, 477, 485
"Cincinnati," The Gunboat,
allowances to petty officers and crew of the,.....404, 405
appropriation therefor,..... 351
Circuit Courts,
in California and Oregon, terms of,.... 4
may be held in different districts at the same time,..... 4
special sessions, how appointed and notified,..... 4
business of such sessions,.... 4
no jury trials,..... 4
clerks of, how appointed and removed,..... 4
oath, bond, vacancy in office of, 4
may appoint deputies and remove them,..... 5
oath and bond of deputies, 5
liable for acts of deputies,..... 5
fees of clerks,..... 5
trials of issues of fact without a jury,..... 5
form of decision, appeals, writs of error,..... 5
for district of Wisconsin, papers, records, &c., in certain district courts to be transferred to,..... 199
cost of transfer and fees,..... 199
certain transcripts certified to, to have same effect as originals,.... 199
clerks to have custody of papers, terms of,.....199, 200
terms of, in district of West Tennessee, 2
special terms, &c.,..... 2
times, &c., for holding in northern district of New York,..... 385
terms of, in eastern district of New York,..... 438
time for holding, in the district of Virginia,..... 440
terms of, in the district of Nevada,.... 440
special sessions of,.....440, 441
jurisdiction of,..... 440
Circulating Notes,
of banking associations, provisions for issuing, redeeming, &c.,.....105, 115
of banks, &c., duty on,..... 277
to be given to banking associations when, &c.,..... 498
limit of amount,..... 498
apportionment of,..... 498
See *Banking Associations. Internal Revenue.*
Circulation,
of banks, &c., tax upon,..... 486
City Sites. See *Town Sites*.
Civil Establishments at Navy Yards,
appropriations for,..... 84, 466
on public lands, provisions concerning,..... 530
Civil Expenses,
appropriation for year ending June 30, 1865,..... 344
for survey of the coast,..... 344, 345
for light-house establishment,..... 345

Civil Expenses, (continued.)
on coasts of California, Oregon, and Washington,..... 346
special works on,..... 346
for public buildings and grounds, &c.,..... 346
President's house, &c.,..... 347
lighting capitol and public grounds,..... 347
bridges, avenues, streets, &c.,. 347
marble floor in old hall of Representatives,..... 347
structures for statuary,..... 347
iron panel, &c., in ceiling of library,..... 347
repairs on basement of President's house,..... 347
water-pipes in same,..... 347
enclosing Franklin Square,.... 347
enclosing Armory Square, &c., 348
for accommodations for State Departments,..... 348
for salary of warden of jail of the District of Columbia,..... 348
for Smithsonian Institute,..... 348
for government hospital for Insane, 348
for Botanic Garden,..... 349
for Columbian Institution for the deaf and dumb and blind,..... 349
for patent-office,..... 349
for survey of the public lands, 349, 350
for miscellaneous purposes,..... 350
for commission under reciprocity treaty,..... 350
for capitol extension,..... 350
for patent-office building,..... 350
for agricultural report expenses,... 350
for chief messenger's salary in agricultural department,..... 350
for telegraph between Atlantic and Pacific, annual subsidy for,..... 350
for north wing of the treasury extension,..... 350
for furniture for treasury building,..... 350
for vaults in United States depositories,..... 350
for repairs on custom-houses, &c.,.. 350
for new custom-house at Portland,. 350
for furniture and repairs of public buildings,..... 350
for heating apparatus in treasury building,..... 350
for plates, paper, dies, printing, and expenses of circulating notes,... 350
for discharge of miscellaneous claims,..... 350
for messengers to bring electoral votes,..... 350
for stationery in Treasury Department,..... 350
for Biennial Register,..... 350
for deficiency in San Francisco branch mint,..... 350
for deficiency for Indian hostilities in Minnesota, provided, &c.,..... 350
for territorial expenses of Montana, 351
for purchase of maps, &c., for library,..... 351
for plans for capitol wings, ventilating, &c.,..... 351
for additional clerical force in assistant treasurer's office in Philadelphia,..... 351

Civil Expenses, (continued.)
for detection of counterfeiting United States notes,..... 351
for pay of clerk of committee on ways and means,..... 351
for pay of persons on board U. S. gunboat "Cincinnati,"..... 351
for pay of stamp clerk at San Francisco,..... 351
additional appropriation for clerks, &c., in Treasury Department,... 351
for copies of Statutes at Large from Little, Brown & Co.,..... 351
for salaries of additional clerks in Navy Department,..... 351
digest of election cases,..... 352
for deficiency in Senate appropriation,..... 352
for deficiency in Congressional Globe in present session,..... 352
for additional appropriation for vaults, &c., in custom-house at Philadelphia,..... 352
for pay of district attorneys, marshals, &c., for services in suppressing slave-trade,..... 352
of judges and arbitrators,..... 352
for colonization, &c., repealed,..... 352
for sea-walls,..... 353
for surveys, &c.,..... 354
See *Surveys*.
Clackamas,
appropriations for the,.....172, 551
Claims. See *Bounty*.
for property lost by capture by the enemy, testimony may be taken in the investigation of,..... 160
for bounty,..... 379
of loyal citizens in loyal states for quartermasters' stores, furnished and receipted for, or otherwise proved, to be submitted to quartermaster-general, &c.,..... 381
if apparently just, to be reported to third auditor of treasury with, &c. 381
of loyal citizens, &c., for subsistence, &c., how to be settled,.....381, 382
of friendly Sioux Indians for relief,.... 427
for lands taken for Indian reservations in Washington Territory,..... 432
Clark, J. H., & Co.,
claim of, to be referred to court of claims,..... 587
Clearing, &c., Lands,
in Indian reservations, payments for, &c.,.....694, 695
Clearing-House Certificates,
to be deemed lawful money for certain purposes for banking associations,... 109
Clerk,
to commission under treaty with Great Britain,..... 652
Clerks. See *Additional Clerks*.
of supreme court of District of Columbia, fees, &c., of,.....195, 196
in bureau of military justice,..... 145
pay of those of army paymasters,..... 145
certain in office of paymaster-general transferred to office of third auditor of treasury,..... 161
additional in office of assistant treasurer, New York,..... 161
in the office of the Secretary of the Treasury,..... 161

Clerks, (continued.)
at Kittery and Philadelphia navy yards, act for relief of,..... 410
to superintendent of Indian affairs in California, appointment, pay, &c., of, 40
of circuit court for tenth circuit, appointment, &c.,..... 4, 5
may appoint deputies, &c.,..... 4, 5
to superintendent of money-order system,..... 79
to paymasters in navy, classified, and their pay graduated,..... 92
government, not to receive pay for services in any matter where the United States is a party,..... 123
to committee of ways and means, pay of, 351
in the Post-Office Department authorized,..... 515
in office of Attorney-General,..... 516
Clothing,
appropriation for,.....24, 128, 497
non-commissioned officers and privates of volunteers to receive same as those in regular army,..... 487
Coal, Bituminous, and other,
duty on,..... 206
Coal-heavers,
in naval service, honorable discharge to be granted to,..... 120
Coal-Lands,
act for disposal of, in public domain,... 343
may be sold at public sale,..... 343
when liable to private entry,..... 343
persons actually engaged in coal-mining on the public lands may enter 160 acres at $20 an acre,..... 529
Coal-mining,
persons actually engaged in, on public lands, may enter 160 acres at $20 an acre, to embrace improvements and mining premises,..... 529
description of premises, when to be filed, 529, 530
Coasting Trade,
foreign on northern, &c., frontiers, act to regulate,..... 134
Coast Survey,
appropriations for the,..... 344, 345
Coastwise Slave-Trade,
prohibited,..... 353
repeal of act of 1807, ch. 22, §§ 8, 9, relating to,..... 353
Codification of Naval Laws,
appropriation for commissioner,..... 24
Coin,
penalty for counterfeiting,..... 120, 121
duty upon sales of,..... 273
judgment in suits for duties and penalties to be collected in coin,..... 494
Coinage,
of "three-cent pieces" authorized,..... 517
laws relating to, made applicable to this coin,..... 517, 518
the motto, "In God we trust," to be placed upon coins of the United States, if, &c.,..... 518
Coins,
of the United States, the motto, "In God we trust," to be placed upon, if, &c.,..... 518
Cole, Darius S.,
payment to, for materials,..... 578
Colfax Street. See *District of Columbia.*
in the city of Washington,..... 355
Collection. See *Post-Office Department.*
of certain debts due the United States, act to facilitate,..... 432
Collection Districts,
of Cape Perpetua and Port Orford, abolished,..... 125
of Milwaukie, territory, &c., added to,. 134
under internal revenue act,..... 224
Collection of Duties on Imports,
of direct taxes in insurrectionary districts,..... 501–504
See *Duties on Imports,*..... 441
Collection of Internal Revenue,
pay of collectors,..... 469
duty of collectors,..... 469
Collectors,
to collect duty on cotton,..... 16
of internal revenue, pay of,..... 469
to deposit daily gross amount of collections,..... 483
duties of, in collecting internal revenue, 469, 470
to give notice when and where duties are payable,..... 469, 470
notice to those who neglect to pay for more than ten days,..... 470
if not paid in ten days after notice, duties to be collected with costs, and ten per cent. additional,..... 470
distraint and sale, proceedings for,..... 470
persons and companies required by law to make returns, failing to do so, to be estimated by assessor,..... 470
collection by distraint and sale,..... 470
duty and costs and penalties to be a lien in favor of the United States upon all property and rights of property, 470, 471
effect of certificate of sale,..... 471
books having statements of subjects of taxation to be submitted for inspection, 471
property distrained may be redeemed by paying, &c.,..... 471
exemptions from distraint,..... 471
at ports, to be designated to attend to duties of exportation and drawback,.. 486
Collectors and Deputy Collectors,
under internal revenue act,..... 224, 225
to be disbursing agents,..... 306
See *Internal Revenue.*
Collectors of Customs,
annual pay of certain, on northern, &c., frontiers,..... 134
not to exceed a certain sum,..... 134
fees and emoluments of, to be accounted for,..... 134
what may be charged,..... 134
bonds of, how approved and where kept,..... 134
decision of, as to rate, &c., of duty on imports to be final, unless,..... 214, 215
certain, may have certain duties remitted,..... 430
College Rancho,
land in California, known as, may be sold, 143
breaches of trusts, conditions, &c., waived by the United States,..... 144
Collett, Daniel Jr.,
name of, to be borne on rolls as first lieutenant,..... 603
Collins, Perry McDonough. See *Telegraph.*
authorized to construct telegraph line to boundaries of British America from line of Pacific telegraph,..... 340

Collisions,
on the water, act to prevent,..... 58
lights on vessels of war need not be exhibited when, &c.,..... 58
steam-ships under sail and not under steam to be treated as sailing vessels, 58
steam-ships under steam, whether under sail or not, to be treated as a vessel under steam,..... 58
rules concerning lights,..... 58, 60
lights to be carried in all weathers, between sunset and sunrise,..... 58
for steam-ships and steam-tugs,.... 59
for sailing ships, ... 59
exceptional for small sailing vessels,..... 59
for ships at anchor,..... 59
for pilot vessels,..... 59
for fishing vessels and boats,..... 60
rules governing fog-signals,..... 60
steering and sailing rules,..... 60, 61
proper precautions to be always observed,..... 61
Colombia,
convention between the United States and, of Feb. 10, 1864,..... 685
time for termination of existing commission extended, ... 686
commissioners and umpire to be appointed anew,..... 686
ratifications, when to be exchanged,.... 686
act to carry into effect convention between United States and,..... 323
Colonization,
of emancipated slaves, &c., former appropriation for, repealed,..... 352
Color,
not to disqualify for carrying the mails, 515
not to exclude any person from cars of any railroad in the District of Columbia,..... 537
Colorado,
appropriations for government in territory of,..... 156, 456
Indian service in,..... 180, 558
surveys of public lands in,..... 349
post-routes established in,..... 321
act enabling people of, to form a state government, and to admit the state into the Union,..... 32
inhabitants to form state government, with same name, &c.,..... 33
boundaries,..... 33
voters at election to choose representatives to form convention,..... 33
if such voters are enlisted soldiers, when and where they may vote,. 33
who may be elected representative to convention, ... 33
time of first election..... 33
time and place of meeting of convention, 33
authority of convention,..... 33
constitution to be republican,..... 33
to provide by irrevocable ordinance, unless, &c., that there shall be no slavery or involuntary servitude, 33
for religious toleration,..... 33
to disclaim all right to unappropriated public lands,..... 34
not to tax lands of the United States,..... 34
to be submitted to popular vote, 34, 137
returns of votes to be made, how and to whom,..... 34
Colorado, (continued.)
if majority of legal votes is for the constitution, result to be certified to President,..... 34
President by proclamation to declare state admitted,..... 34
representative in congress,..... 34
governor and state officers, first election, 34
lands to be set apart for schools,..... 34
for public buildings,..... 34
for penitentiary building,..... 34
five per cent. of proceeds of sales of public lands to be applied to making roads, 34
or to general system of irrigation,.. 35
laws of the United States made applicable,..... 35
state to constitute one judicial district,. 35
Colored Benevolent Union Association,
in Washington, D. C., incorporated,... 535
corporate powers,..... 535
by-laws,..... 535
objects of the association,..... 535
may hold real and personal estate,..535, 536
act may be altered or repealed,..... 536
Colored Catholic Male Benevolent Society,
in Washington, D. C., incorporated,... 201
Colored Children,
schools for, in Washington County, D. C.,..... 191
Colored Persons,
to be enrolled and form part of the national forces,..... 11
how to be mustered into service,..... 11
to be credited on quotas,..... 11
commission to determine compensation of loyal masters of colored volunteers, 11
Colored Soldiers,
pay, rations, bounties, &c.,..... 129
Attorney-General to determine certain questions of law,..... 129
widows, &c., of, to receive pensions,... 389
what proof of marriage required,.. 389
pay and rations of those mustered into service in South Carolina,..... 488
Columbia Institution, &c.,
for the deaf and dumb and blind, may confer degrees, &c.,..... 45
appropriations for,..... 349
for purchase of land for,..... 349
portion of act establishing, repealed,... 436
indigent blind, where to be educated,... 436
See *The Columbia Institution, &c.*
Comanches,
appropriations for the,..... 165, 544
Comforts for Soldiers,
appropriation for ice, fruits, &c.,.... 23, 128
Commanders in Navy,
corps of, on active list to be temporarily increased,..... 182
number of, not to exceed ninety-one,..... 182
no appointments to be made until number reduced to seventy-two,. 182
certain payments made to, ratified,..... 182
Commanding General's Office,
appropriations for,..... 129, 497
Commercial Agents,
appropriations for salaries of,..... 138, 422
salaries of certain, established,..... 139
office of, at Hakodadi, changed to that of consul,..... 140
Commercial Intercourse,
with certain states, suspended,..... 731
with Alexandria, permitted,..... 740

Commercial Intercourse, (continued.)
act concerning, between rebel and loyal states,... 375
sales of abandoned, &c., property, where to be made,... 375
house, lands, &c., may be leased,... 375
when to be deemed abandoned,... 376
moneys, &c., from, &c., to be paid into treasury,... 376
certain acts relating to, amended,... 376
prohibitions of act of 1861, ch. 3, to apply to what, and whom,... 376
parts of states, when subject to,... 376
mode of distributing fines, &c.,... 377
repeal of parts of certain acts as to,... 377
property taken on inland waters, not maritime prize,... 377
agents to purchase for United States products of rebel states,... 377
from what fund,... 377
property purchased, how disposed of, 377
authority to license with rebel states repealed, except, &c.,... 377
officers, &c., forbidden from dealing in captured, &c., property,... 377
penalty for,... 377
investigations to prevent frauds in, &c., 377
attendance of witnesses in,... 377
Secretary of Treasury to make rules, &c., as to,... 377
"*Commercial Relations,*"
number of copies to be printed, and how distributed,... 185
Commissaries of Subsistence,
and assistants, to be examined as to qualifications,... 181
to be assigned to each military division, &c.,... 513, 514
See *Examining Boards. Subsistence Department.*
Commissary-General,
appropriations for office of,... 153, 453
additional clerks in office of,... 28
Commission,
on certain claims between the United States and Ecuador,... 631
See *Ecuador.*
to determine claims of Hudson's Bay Company and Puget's Sound Agricultural Company for damages, under treaty,... 195
commissioner to be appointed,... 195
to appoint a clerk,... 195
pay of,... 195
rules for doing business of commission,. 195
Secretary of State to transmit papers to,... 195
papers to be returned at close of commission,... 195
upon raising revenue by taxation, Secretary of Treasury to appoint,... 487
powers, duties, and pay of commissioners,... 487
to take depositions of witnesses for defendants in criminal cases in the District of Columbia,... 528, 529
See *Depositions.*
Commissioner,
to take depositions of witnesses for defendants in criminal cases in the District of Columbia,... 528, 529
Commissioner of Customs,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of,... 27, 160
appointment, pay, and bond of,... 508
Commissioner of Freedmen and Refugees,
clerks in office, &c., of,... 508
to have charge of bureau for relief of freedmen, &c.,... 508
assistant commissioner in each state in insurrection,... 508
Commissioner of Immigration,
appointment, term of office, salary,... 386
clerks, &c.,... 386
Commissioner of Internal Revenue,
appointment, term of office, duties, salary, &c.,... 223
to have franking privileges,... 487
clerks in office of,... 487
See *Internal Revenue.*
Commissioners,
under convention with Peru,... 635, 640
under treaty with Great Britain,... 651, 652
See *Great Britain, Peru.*
of certain claims against the United States and Ecuador, appointment, &c., of,... 631–634
to appoint an umpire,... 632
See *Ecuador.*
appropriations for pay, &c., of,... 137
of emancipation in District of Columbia, award of, corrected,... 411
of railroads to the Pacific,... 359
Commissioners in Executive Departments,
appropriations for the,... 450, 451
Commissioners of Primary Schools,
in Washington County, D. C., to be appointed,... 187
their powers and duties,... 187–193
Commissions of Collectors,
for sales of revenue stamps,... 294
Committee of Ways and Means,
pay of clerk of,... 351
Committee on Conduct of War,
to investigate the attack on Fort Pillow, 405
appropriation for expenses of,... 406
Commutation,
of subsistence and forage, appropriation for,... 120
Commutation Money,
payment of, to exempt only for that quota,... 7
in no case for more than one year,. 7
how to be used,... 399, 400
paid by drafted men, how to be applied, 400
Commutation of Officers' Subsistence,
price of, to be fifty cents per ration,... 497
increase not to apply to those above a certain rank,... 497
Comptroller of the Currency,
appropriations for the office of the,. 149, 150
to be chief of currency bureau,... 100
appointment, term of office, salary, &c., of,... 100
oath to be taken within fifteen days of notice of appointment,... 100
bond and sureties,... 100
not to be interested in any banking association under the act,... 100
deputy to be appointed,... 100
salary, term, duty, &c., of,... 100
to report annually to congress,... 117
contents of report,... 117, 118
duty of, as regards banking associations.
See *Banking Associations.*
Comptrollers,
appropriations for the,... 149, 150, 449, 450
payments from contingent fund of either house, how made,... 26

Congress,
transfers of balances not to be made unless, ... 26
an act to pay in part for publishing debates of, ... 392
each senator, &c., to have a complete set of Congressional Globe, &c., ... 392
pay to publishers of Congressional Globe for extra pages, ... 392
appropriation for, ... 392
how disbursed, ... 392
either party to abrogate these provisions by two years' notice, ... 392
member of, from Illinois, to be elected at large, until, &c., ... 407
thanks of, to various persons. See *Thanks, &c.*
Congressional Directory,
to be compiled, &c., ... 568
when to be ready for distribution, ... 568
Congressional Globe,
condition of appropriations for, ... 460
proceedings of congress to be published on day subsequent, ... 460
but not over forty columns, ... 460
speeches not delivered to be postponed, ... 460
Congressional Globe and Appendix,
appropriations for, ... 146, 147, 446, 447, 470
sets of to be furnished senators and representatives, ... 392
Connecticut,
post-roads established in, ... 523
Conscientious Scruples,
those having, as to bearing arms, how treated, if drafted, ... 9
evidence as to, ... 9
Constitution of the United States,
proposed amendment to, ... 567
declared ratified, ... 777
Construction and Repair,
appropriations for bureau of, ... 81, 463, 464
Constructive Mileage. See *Mileage.*
no allowance for, ... 460
Consular and Diplomatic Expenses,
appropriation for the years ending June 30, 1865, and June 30, 1866, 137, 422–424
salaries of envoys, ministers, and commissioners, ... 137, 422
secretaries of legations, &c., ... 137, 422
of interpreters in China, Turkey, and Japan, ... 137, 139, 422, 423
contingent expenses, ... 137, 422
Barbary Powers, intercourse with, .. 138, 422
consulates in Turkish dominions, ... 138, 422
relief and protection of American seamen, ... 138, 422
cemetery at Constantinople, ... 138
rewards to masters, &c., for rescuing citizens of the United States from shipwreck, ... 138, 422
blank-books, stationery, &c., ... 138, 422
salaries and office rent of certain consuls-general, consuls, and commercial agents, ... 138, 422
salaries of consuls at certain places established, ... 139
bringing home persons charged with crime, ... 139, 424
marshals of consular courts, ... 139, 424
prisons for American convicts, ... 139, 424
commissioners and consuls-general to Hayti and Liberia, ... 139, 424
Consular and Diplomatic Expenses, (continued.)
suppression of African slave-trade, .. 139, 424
consular clerks may be appointed, ... 139
their age, duties, and pay, ... 139, 140
to be examined as to fitness, ... 140
not to be removed but for cause, ... 140
fee for certifying invoices by consul-general of British North American provinces and subordinates, ... 140
certificate of growth and production not required in certain cases, ... 140
office of commercial agent at Hakodadi may be changed to that of consul, ... 140
expenses under act to encourage immigration, ... 424
under neutrality act, ... 424
of commission to run and mark boundary line between the United States and British Possessions bounding on Washington Territory, ... 424
Consular Clerks,
President may appoint thirteen, ... 139
their age, duties, and pay, ... 139
to be examined, ... 140
not to be removed without cause, ... 140
Consular Courts,
salaries of marshals of, ... 139, 424
Consular Jurisdiction,
over controversies between officers and crews of certain foreign vessels, .. 121, 122
Consular Officers,
duty of, as to verification of invoices, 533
to follow instructions, ... 533
Consulates,
in Turkish dominions, expenses of, ... 138
appropriations for, ... 139, 422
Consuls,
of foreign countries, certain, not subject to income tax, when, &c., ... 17, 305
of certain foreign nations to have jurisdiction over certain controversies between officers and crews of vessels, .. 121
mode of exercising it, ... 121
appropriations for salaries of, ... 138, 422
salaries of certain, established, ... 139
of the United States in Belgium, attributions of, ... 650
Consuls and Vice-Consuls,
provisions concerning, in treaty with Denmark, ... 605, 606
Consuls-General,
appropriations for salaries of, ... 138, 422
fees of, for British North American provinces for certifying invoices, ... 140
Continental Hotel Company,
in Washington, D. C., incorporated, ... 537
corporators and corporate powers, ... 537
capital stock and shares, ... 537
annual meeting, managers, votes, proxies, ... 537
officers, vacancies, quorum, ... 538
Contingencies,
of the army, appropriations for, ... 128, 497
of the navy, ... 463
Contraband,
goods subject, under treaty with the Ottoman Empire, to confiscation after certain proceedings, ... 619
Contrabands,
appropriation for, ... 23
Contractors,
to furnish supplies to quartermaster's department, penalty upon, for fraud, . 397

Contracts,
certain, with emigrants valid,..... 386
Contract Surgeons,
if disabled, &c., entitled to pensions,... 499
Conveyance
of vessel not to be recorded unless acknowledged,..... 519
Convicts,
transportation of, from the District of Columbia,.....12, 13
enlistments of, punished,.....489, 490
mustering into service,..... 490
Conway, James,
lands in Missouri, granted to,..... 582
Cook, Lemuel,
gratuity to,..... 598
copy of act granting, to be sent to, 598
Coontz, Martin,
lands in Missouri, granted to,..... 582
Copper,
duty on,..... 206
Copyright,
acts respecting, to extend to and include photographs and negatives,..... 540
forfeited, unless copy of book or publication is sent to library of congress within, &c., ... 540
Copy Rights,
appropriation for care, &c., of,..... 344
Cordage,
duty on,..... 209
Cosmetics,
duty on, under the internal revenue law, ... 302
Cotton,
duty on all produced or sold, &c.,.....15, 16
that sold by or for government to be free of duty,..... 16
penalty for removing, &c., to evade duty, 16
duty to be marked on bales, &c.,..... 16
permits for removal,..... 16
assessors, &c., to assess and collect duty, 16
drawback on manufactures of,..... 16
provisions of internal revenue law concerning,..... 305
drawback on articles manufactured exclusively of,..... 305
coming from states in insurrection without license, confiscated,..... 731
Cotton and Manufactures of,
duty on,.....208, 209, 491, 492, 493
provisions of revenue law concerning,. 477
Counsellors,
in national courts to take oath,..... 424
oath to be filed,..... 424
falsely taking, to be perjury,..... 424
Counterfeiting. See *Bonds, Treasury Notes.*
coin of the United States, act to prevent,.....120, 121, 518
plates, dies, &c., for United States bonds or notes, how punished,.....221, 222
appropriation for detection of,..... 351
certain coin of the United States,..... 518
County Surveyor,
of Washington County, District of Columbia, appointment, power, and duties of,..... 193
Coupon Bonds,
issue of, authorized by act of June 30, 1864,.....218, 220
registered, may be issued for,..... 200
to be of what form, how executed,..... 200
Court-martial,
every officer having power to order general, may remit or mitigate sentence of, except, &c.,..... 356
repeal of act of 1862, ch. 201, § 5, as to, 356
for trial of officers dismissed by authority of the President,..... 489
Court of Claims,
appropriations for,.....148, 448
act to restrict jurisdiction of,..... 381
jurisdiction of, not to extend to claims growing out of destruction, &c., of property by army,&c.,during rebellion, 381
Courts-martial, (Naval,)
fees for record in any case not to exceed $200, ... 468
Courts of the United States,
appropriations for,.....152, 452
no exclusion of witness in, on account of color,..... 351
nor because he is a party to, or interested in, the issue tried,..... 351
counsellors in, to take an oath,..... 424
Cox, Jacob,
payment to,..... 579
Crane, A. G.,
payment to,..... 579
Credits,
to be given to state and sub-districts for volunteers, substitutes, &c.,..... 489
in future calls, none to be given except for men actually furnished on such call or the preceding,..... 489
Creeks,
appropriations for the, 165, 166, 177, 180, 544, 545, 547
Crews,
of foreign vessels in United States ports consuls to have jurisdiction over, 121, 124
of vessels of the United States, certain proportions thereof need not be citizens,.....201, 202
Crime,
bringing home persons charged with, 139, 424
appropriation for prosecution of,..... 152
Crimes,
punishment of manslaughter in the District of Columbia,..... 421
wilful acting with intent to defraud or delay in prize proceedings, how punished,..... 315
unlawfully opening or detaining letters, 337
secreting or destroying letters not containing valuables,..... 338
taking valuables out of letters,..... 338
enticing or aiding persons in naval service to desert,..... 343
See *Bonds, Internal Revenue, Treasury Notes.*
Criminal Cases,
act to regulate proceedings in, in United States courts,..... 500
grand juries in district and circuit courts, 500
number, how summoned, &c.,..... 500
challenges,..... 500
twelve must concur to find bill,.... 500
foreman appointed by court,..... 500
to swear witnesses,..... 500
challenges to trial-jurors,..... 500
to be tried by the court,..... 500
sentences to imprisonment for more than one year, where to be executed,..... 500
expenses of execution,..... 500
issues of fact in civil cases may be tried by court, if, &c.,..... 501

Criminal Cases, (continued.)
effect of finding by court,..... 501
exceptions to rulings,..... 501
when act takes effect,..... 501
defendants may have commission to take deposition of witnesses in, in the District of Columbia,..... 528
See *Depositions*.
Cross, Alexander,
petition of, to be referred back to court of claims,..... 591
Currency Bureau,
established, officers, &c., of,.....99, 100
rooms in treasury building to be assigned to,..... 100
seal of,..... 100
papers under such seal, and certified by comptroller, to be evidence,..... 100
Cushing, Lieutenant William B.,
his officers and men, thanks of congress to, for the destruction of the Albemarle,. 565
Custom-House Officers,
on northern, northeastern, and northwestern frontiers of the United States, fees of,.....518, 519
for admeasurement of vessels,..... 518
for certificate of registry, &c.,..... 518
of enrolment, &c.,..... 518
for license,.....518, 519
for certifying manifest and clearance,.. 519
for entry of vessel and clearance,..... 519
for receiving manifest of goods,..... 519
of baggage of passengers,..... 519
for granting permit to vessels to go from district to district and unlade,..... 519
for entry of goods,..... 519
for permit to land or deliver goods,.... 519
for official bonds,..... 519
for debenture or other official certificate, 519
for bill of health, crew-list, protection,. 519
for recording bills of sale, mortgages, &c. 519
certificates for discharging and cancelling, ... 519
for certificate stating names, &c., of owners of vessels, &c.,..... 519
no bill of sale, &c., to be recorded unless duly acknowledged,..... 519
Custom-Houses,
appropriations for completion and repairs of,..... 25
Cuttings and Seeds,
appropriations to procure and distribute, 155, 455
Cuyahoga,
additional inspectors authorized at,.... 198

D.

Dakota Territory,
part of Territory of Idaho transferred to, 92
appropriations for government in,..156, 456
for Indian service in,.....179, 559
post-routes established in,.....321, 525
surveys of public lands in,.....349, 353
construction of wagon-roads in,... 516, 517
appropriation,..... 517
Dakotas,
appropriations for the,..... 180
Damages by Sioux Indians,
appropriation to pay awards for,.....92, 93
claimants or their attorneys to be paid,.. 93
Darling, Ezekiel,
pension to,..... 600
Davidson, The Steam-tug B. F.,
enrolment and license granted to,..... 19
Davis, Jefferson,
reward offered for his arrest,..... 756, 777
Dead-Letter Office,
unpaid letters to be sent to,.....504, 505
Dead Letters. See *Post-Office Department*,... 339
unclaimed money from, to be deposited, 516
De Ahna, Henry C.,
certain money may be paid over to,... 603
Debates. See *Congress*.
publishing of congress, act to pay for in part,..... 392
De Bree, John,
surety of, released from liability,..... 604
Debts. See *Post-Office Department*.
due the United States from postmasters and other agents, &c., of Post-Office Department, act to facilitate collection of,.....432–434
Deeds,
provision as to acknowledgments of, in the District of Columbia,.....531, 532
Deer Island,
sea-wall on,..... 354
Deficiency Appropriation,
for the year ending June 30, 1864,....22–28
southeast executive building,..... 22
branch mint at Denver,..... 22
Interior Department,..... 22
surveyors-general and clerks,....22, 23
Department of Agriculture,..... 23
War Department,.....23, 24
Navy Department,.....24, 26
State Department,..... 24
assistant-treasurers and designated depositaries,..... 24
electric telegraph,..... 24
treasury extension,.....24, 25
custom-houses and warehouses,..... 25
public buildings and post-offices,..... 25
Indian agents in Utah and Nevada,.... 25
printing, paper, lithographing, &c.,...25, 26
printing, binding, &c., to be done only on written requisition, &c., ...25, 118
report of superintendent on,..... 25
light-house establishment,..... 26
naval hospitals and asylums,..... 26
capitol police,..... 26
miscellaneous for Senate and House of Representatives,..... 26
unexpended balance for engraving, &c., transferred,..... 26
additional assistant Secretary of the Treasury authorized,..... 26
salary and duties,.....26, 27
repair of coal and landing wharf at Key West, ... 27
letter-carriers,..... 27
additional clerks and employees authorized during the rebellion, and for a year after its close, in office of Secretary of Treasury,..... 27
of 1st and 2d comptroller, 1st, 2d, 3d, 4th, and 5th auditor, of treasurer, register, commissioner of customs,..... 27
of Secretary of Navy,..... 27
of adjutant-general, quartermaster-general, paymaster-general, commissary-general, chief of ordnance, and chief engineer,....27, 28
how appointed and paid,..... 28
females may be employed,.... 28

Deficiency Appropriation, (continued.)
compensation not to exceed,.. 28
temporary clerks and employees formerly authorized, included herein,..... 28
limitation of office of assistant register of treasury to one year, repealed,..... 28
for the year ending June 30, 1865,..... 460
Delafield, Gen. Richard,
to be regent of the Smithsonian Institution,..... 569
Delawares,
appropriations for the,.....166, 545
Delisle, Francis,
lands in Missouri, granted to,..... 582
Delivery
of mail-matter from post-offices,..... 507
Denmark,
additional articles to general convention with, July 11, 1861,..... 605
consuls-general, consuls, &c., may sit as judges and arbitrators between officers and crews of vessels,.....605, 606
local authorities not to interfere, unless, &c. 606
judicial authority of their country may be resorted to,..... 606
consuls, &c., may require aid of local authorities to arrest deserter,..... 606
mode of procedure,..... 606
deserters, when arrested, how to be disposed of,..... 606
offences against laws of country, to be punished,..... 607
effect of these additional articles,..... 607
signature, ratification, proclamation,... 607
Denver,
certain lands in, may be entered at minimum price for use of town,.....94, 95
lots for government purposes reserved,. 95
Department of Agriculture,
appropriation for the,.....23, 155, 455
resolution granting additional rooms to, 415
act repealing resolution,..... 381
Secretary of Interior to assign temporary rooms for commissioner of,..... 381
commissioner may rent suitable rooms for office,..... 381
appropriation for rent, &c., provided, &c..... 381
Department of the Interior,
appropriations for the,.....151, 451
Department of Missouri,
appropriation for pay, bounty, &c., in,..1, 2
to whom money may be paid,..... 2
attorney may receive it,..... 2
See *Western Department*.
Deposit,
act relating to village of,..... 324
Depositaries,
acting assistant, provisions concerning,. 427
subject to penalties, &c.,..... 427
Depositions,
defendants in criminal cases in the District of Columbia may have commission to take, of witnesses in their behalf,..... 528, 529
practice in obtaining commission,. 528, 529
mode of taking depositions,..... 529
Deposits,
in banking associations, tax or duty on,. 111
of money received under internal revenue act,..... 483
money from sales of waste paper and
Deposits, (continued.)
unclaimed from dead letters to be deposited,..... 516
penalty for wilful neglect so to do, 516
Depredations,
by Indians, payments towards settlement of claims for,..... 694
Deputy Collectors,
at Portland, Maine, pay of,..... 47
Deputy Commissioner of Internal Revenue,
appointment, duty, &c., of,..... 224
See *Internal Revenue*.
Deputy Comptroller of the Currency,
appointment, duty, bond, &c., of,..... 100
Deputy Postmasters
may deposit in certain national banks and negotiate drafts,..... 506
Depuy, William,
payment to,..... 579
Deserters,
enlistments of, punished, ... 489, 490
mustering into service,..... 490
not returning according to proclamation of President, to forfeit citizenship,... 490
proclamation of President for return of, 752
from their regiments ordered to return forthwith, ... 752, 775
those returning to be restored, &c., 752, 775
patriotic citizens exhorted to aid in their return,..... 775
from vessels, provisions concerning, in treaty with Denmark,..... 606, 607
from ships of war and merchant vessels, provisions for arrest, &c., of, in treaty with Hayti,..... 727
Desertion,
additional penalty in loss of citizenship, 490
Designated Depositaries,
banking associations may act as,..... 113
in Treasury Department, appropriations for,..... 158
Des Moines, City of,
joint resolution relinquishing certain coal-beds to, &c.,..... 408
Diamonds and other precious Stones,
duties on,..... 206
Dickson, John,
payment of damages to, for breach of contract,..... 577
Dictator, Floating Battery. See *Ericsson*,.... 409
Digest of Election Cases,
appropriation for,..... 350
Diller, Isaac R.,
payment to,..... 595
Diman, Henry W.,
accounts of, to be adjusted,..... 590
Diplomatic Service,
general appropriations for,.... 137–140, 452
Directors of Providence Hospital,
act to incorporate the,..... 43
Direct Tax,
none to be assessed until congress passes a new law requiring it,..... 304
former tax to be collected,..... 304
levy court may collect in Washington County, D. C.,..... 331
Direct Taxes in Insurrectionary Districts,
appropriation for commissioners of,.... 158
provisions concerning the collection of, 501–504
commissioners after sale of lands, &c., and certificate, may issue writ to put purchaser in possession,..... 501

Direct Taxes in Insurrectionary Districts, (contin'd).
writ directed to marshal,..... 501
proceedings under it,..... 501
who may execute writ, if there is no marshal, &c.,..... 501
issuing of writ to be suspended, when, &c., 501
purchasers to receive rent,..... 501
patents, when to issue for lands purchased,..... 501
proof in case of assignment, &c., of certificate of sale,..... 501
majority of board of tax commissioners may act,..... 502
lien creditors, if loyal, &c., may be paid from proceeds of sale, if, &c.,..... 502
commissioners to file transcript of proceedings with Treasury Department, 502
copies of, may be used in evidence, 502
expense of board of commissioners, how paid, ... 502
if lands are redeemed after sale, principal and interest of purchase-money to be paid,..... 502
purchaser to put owner in possession,.. 502
owner not to be put in possession unless he makes oath that, &c., ... 502
tenants at will and by sufferance not to redeem unless, &c.,..... 502
preëmption rights how acquired in such lands, ... 503
commissioners to give notice of sales of lands, ... 503
tax, when may be apportioned,..... 503
to be a lien on different parts,..... 503
commissioners may administer oaths,.. 503
penalty for false swearing,..... 503
fees and salaries of commissioners, not to exceed, &c..... 503
excess, how applied, ... 503
clerks, surveyors, and assistants,..... 503
clerks may collect money due for taxes, 503
to give bond first,..... 503
tax commissioners enter upon their offices, when, &c.,.....503, 504
lands held in severalty and sold for taxes may be redeemed by any owner, if, &c.,..... 504
option of purchaser in such cases,..... 504
Discharge,
from military service, persons under eighteen, when entitled to,..... 10
of persons under sixteen,..... 380
of attachments of property claimed by the United States, how effected,..... 122
Discharged Officers and Soldiers,
not entitled to pay, travel, &c., when transportation is furnished,..... 145
Discriminating Duties,
on goods imported in certain foreign vessels,.....215, 216
on goods grown east of Cape of Good Hope,.....216, 493
of tonnage as respects Nicaragua, discontinued,..... 739
Dismissed Officers. See *Officers*.
provision for trial of certain,..... 489
Distilled Spirits,
duty on,.....14, 202, 203
basis of collection of duty,..... 14
penalty for having for sale, &c., in fraud of law,..... 14
proceedings to enforce forfeiture,....14, 15
certain, may be exported without payment of duty,..... 15
Distilled Spirits, (continued.)
drawback not allowed, if, &c.,..... 15
additional duties on,.....16, 17
Distillers. See *Internal Revenue*.
duty, &c., of, under internal revenue act,.....242–248
to make application for license before distilling,..... 471
application to state what,..... 471
Distraint. See *Internal Revenue*.
proceedings in case of, under the revenue law,.....233, 234, 237, 240, 283
what exempt from,.....233, 234
proceedings in collecting duties by, 470, 471
how property distrained may be redeemed,..... 471
what property exempt from,..... 471
Distributing Offices,
Postmaster-General may designate,.... 367
Distribution,
of prize-money in naval service,..... 310
See *Prize Proceedings*.
of certain books and documents to be made to members of present congress, 570
District Attorney,
for the district of Nevada, pay, &c., of, 440
for the district of Oregon, pay, &c., of, 440
District Attorneys,
duty of, under act to provide for summary trial of minor offences against laws of the United States,.....124, 125
maximum compensation of,..... 196
appropriations for the,.....158, 457
pay of, under act for suppression of the slave-trade,..... 352
District Courts,
terms of, in district of West Tennessee, 2
special terms, &c.,..... 2
in Indiana, special session authorized,.. 3
what suits to be heard therein,..... 3
in Oregon and California, terms of,.... 5
special sessions may be held for trial of minor offences,..... 124
sessions of, in West Virginia,..... 124
records and files, where to be kept,.... 124
proceedings of, confirmed,..... 124
sessions of, in Virginia,..... 124
in Wisconsin, terms of,..... 199
papers of, to be transferred to circuit court,..... 199
times, &c., for holding, in northern district of New York,..... 385
change in, not to impair pending processes in either court,..... 385
salary of judge of,..... 385
in Indiana, special session of,..... 419
pending process,..... 419
terms of, in eastern district of New York, 438
judge of eastern district of New York to hold court in southern district, when, &c.,..... 438
terms of, in Nevada,..... 440
district of Nevada attached to the tenth circuit,..... 440
jurisdiction of,..... 440
District Judge
for the district of Nevada, appointment, pay, &c., of,..... 440
District Judges of the United States,
appropriations for the,.....157, 158
District of Columbia,
fees of clerk, attorney, and marshal in,. 195
plaintiffs in suits in supreme court of, to deposit fees,..... 196

District of Columbia, (continued.)
act to amend charter of Washington and Georgetown Railroad,..... 322
act to incorporate the Metropolitan Railroad Company in,..... 326
act in favor the "Guardian Society" of, 324
act to regulate proceedings between landlord and tenant in,..... 383
tenancy at will, &c., how created,.. 383
what are to be deemed tenancies at sufferance,..... 383
notice to determine, &c.,..... 383
attornments by tenant, &c.,..... 383
forcible entry and detainer,....383, 384
summons to issue, &c., when, &c.,..... 384
proceedings, &c., when defendant pleads title,..... 384
defendant to recognize with sureties,..... 384
appeals, and how tried,..... 384
additional recognizance in,.... 384
damages to complainant, if, &c.,... 384
fees of officers, &c.,..... 384
repeal of inconsistent acts,..... 384
act to provide for Washington aqueduct, 384
act to allow levy court of Washington County in, to levy and collect the direct tax of 1861,..... 331
act to allow corporation of Washington to levy and collect direct tax of 1861, 332
joint resolution for revision of laws of, 408, 409
witnesses in, parties, &c., may be,..374, 375
act to establish Colfax Street in the city of Washington,..... 355
persons charged with crime in, not to be enlisted as volunteers or substitutes, 498, 499
penalty for so doing,..... 498
penalty upon officers, &c., of jail, giving certain information,..... 499
act quieting land-titles in California,... 531

Doble, Carlisle,
claim of, for carrying the mail, to be adjusted,..... 590

Dogs
in Washington County, D. C., to be killed if tax is not paid,..... 193

Domestic Letters,
unpaid, except, &c., to be sent to dead-letter office,.....504, 505
part paid, to be forwarded, and unpaid portion collected,..... 505

Donation Claims
in Oregon and Washington, in certain cases patents may issue for half quarter section,..... 62

Doran, Paymaster E. C,
payments by William H. Peters, legalized for benefit of,.....575, 576

Double Rations,
to what officers only allowed,..... 488

Doughty William,
the Superannuated Fund Society, &c., may hold certain property under will of,..... 135

Dower,
acknowledgment by *feme covert* of deed executed by husband, to be sufficient to bar her claim for,..... 532

Downing, Samuel,
gratuity to,..... 598
copy of act granting, to be sent to,. 598

Draft. See *Drafted Persons, National Forces.*
surgeons and commissioners of enrolling boards exempt from,..... 491
to be made, unless volunteers called for are furnished,..... 732
to be made to fill quota, if not filled by volunteers,.....6, 379
further, to be made until quota is full, 6, 380
persons furnishing substitutes exempt from, &c.,.....6, 7, 380
seamen, drafted may enlist in naval service, ... 7
in military service, may so enlist,.. 7
who exempt from draft,..... 8, 9
penalty for resisting, &c.,..... 8
fees for preparing papers for exemption from,..... 10
ordered to fill quota of states not full, 737, 748

Drafted Men,
appropriation for advance bounties to,.. 126

Drafted Persons. See *Draft.*
furnishing substitutes, for what time to be exempt from draft,..... 489
furnishing incompetent substitutes, to be liable to serve,..... 490
aiding substitutes to desert, to serve themselves,..... 490
may furnish substitutes,.....6, 380
seamen may enlist in naval service,.... 7
surgeons temporarily appointed to examine,..... 8
examinations of, when and where to be held, ... 8, 9
may have process for witnesses,..... 9
procuring exemption by fraud, to be deemed deserters, ... 10
penalty upon surgeon for illegally discharging,..... 11
provisions for colored persons drafted,.. 11
how organized, &c.,..... 379
transportation of, to and from rendezvous,..... 380
absent from home, when drafted, how notified, ... 380

Drawback,
upon certain distilled spirits not allowed,..... 15
upon articles manufactured exclusively of cotton,.....16, 303
on certain articles, when exported, that have paid duty,.....302, 303
certain articles excepted,..... 302
none on certain quicksilver,..... 477
collector to be designated to attend to duties of,..... 486

Drop Letters,
postage on, how free delivery is established,..... 507

Drugs, &c.,
duty on,.....211, 212

Dry Docks,
two authorized to be built from appropriation for floating dry dock,..... 85

Dubuque and Sioux City Railroad Company,
may change their line, &c.,..... 98

Duncan, C. S.,
payment to,..... 599

Duncan, W. H.,
payment to,..... 599

Dunkirk,
additional inspectors authorized at,.... 198

Durell, Porter,
payment to,..... 579

Dutiable Value,
of imports, how ascertained,...217, 493, 494
at what place to be reckoned,..217, 493, 494
Duties on Exports,
treaty provisions with Hayti concerning,.....715–717
with Honduras, ...701–703
Duties on Imports,
treaty provisions with Hayti concerning,.....715–717
with Honduras, ...701–703
joint resolution to temporarily increase, 405
to continue resolution increasing in force,..... 401
act to increase, of June 30, 1864,...202–218
duties to be collected on and after July 1, 1864, on
teas,..... 202
sugars, syrups, and molasses,..... 202
proviso, forfeiture,..... 202
brandy, distilled spirits, cordials, wines, &c.,.....202, 203
duty to be collected on basis of first-proof,..... 203
imitations to be charged same duty as genuine article,..... 203
brandy and spirituous liquors may be imported in bottles,..... 203
packages not to contain less than one dozen,..... 203
bottles to pay a separate duty,.... 203
spirituous liquors not enumerated,..... 203
ale, porter, and beer,..... 203
cigars, snuff, tobacco,..... 203
bar-iron, iron in slabs, &c.,..... 203
pig-iron, old scrap-iron, &c.,.....204, 205
what shall be deemed old iron,..... 205
railroad iron,..... 204
band and hoop-iron,..... 204
smooth, &c., sheet-iron,..... 204
steel,..... 205
manufactures of, not otherwise provided for,..... 205
partial manufactures of, not otherwise provided for,..... 205
bituminous and other coal,..... 206
lead, lead-pipes, &c., pewter for remanufacture,..... 206
copper, zinc, spelter, &c.,..... 206
diamonds, gems, and other precious stones,..... 162
wool and hair of alpaca, &c., unmanufactured,..... 206
when mixed with dirt,..... 206
wool, when different qualities are imported in same bale,..... 206
when bales of different qualities are in same invoice,..... 206
sheepskins,..... 206
carpets, mats, rugs, screens, &c.,..... 207
woollen cloths and manufactures of wool, 207
yarns, blankets, shawls,.....207, 208
delaines, bunting, &c.,..... 208
oil and floor cloths,..... 208
cotton, raw or unmanufactured,..... 208
manufactures of cotton unbleached,.... 208
plain woven cotton goods,..... 208
cotton goods with more than 200 threads to square inch,..... 208
jeans, drillings, &c.,.....208, 209
cotton thread,..... 209
shirts, &c., made on frames, cotton velvet, &c.,..... 209
linens, duck, &c.,..... 209
Duties on Imports, (continued.)
hemp, cordage, cotton bagging, sheetings, &c.,.....209, 210
gunny cloth, gunny bags, &c.,..... 209
flax, &c.,.....209, 210
silk and silks,..... 210
glass, rough plate, &c.,.....210, 211
glassware and porcelain glass,..... 210
china and porcelain ware,..... 210
earthern and stone ware,..... 210
slates, clay, chalk, kaoline,..... 210
books, periodicals, and pamphlets,..... 213
articles paying a duty of fifteen per cent.,..... 211
of twenty-five per cent.,..... 211
of fifty per cent.,..... 213
acetic acid, &c.,..... 212
acetate or pyrolignate of ammonia, &c., 212
analine dyes,..... 212
blanc fixe, satin white, &c.,..... 212
French green, Paris green, &c.,..... 212
almonds,..... 212
manufactures of gold or silver,..... 212
antimony, opium, morphine,..... 212
arrowroot,..... 212
brimstone, castor beans, chickory root,. 212
cassia, cinnamon,..... 212
chloroform, collodion, &c.,..... 212
cologne water and other perfumery,... 212
cloves, fusel oil, &c.,..... 212
bristles, brushes, honey, lead,..... 212
percussion-cups, nitric ether,..... 212
lemons, oranges, and fruits preserved in their own juice,..... 212
licorice root and paste,..... 212
nutmegs, mace,..... 213
oils, croton, olive, and castor,..... 213
peanuts, filberts, walnuts,..... 213
petroleum and illuminating oils,..... 213
pepper, spirits of turpentine, sulphur,.. 213
tannin, santonine, salt,..... 213
saltpetre, strychnine, vinegar,..... 213
watches, wood pencils,..... 213
ostrich-feathers, playing-cards, ... 213
cork, bark, or wood,..... 214
hatters' furs, fire-crackers,..... 214
gutta-percha,..... 214
gunpowder,..... 214
marble, mineral waters,..... 214
pipes, pens, soaps,..... 214
starch, rice, paddy,..... 214
articles free of duty,.....216, 217, 218
decision of collector as to rate and amount of duty, and costs and charges, to be final, unless written objections are filed in ten days,.....214, 215
and appeal to Secretary of Treasury in thirty days,..... 215
and suit brought in ninety days after decision of Secretary,..... 215
suit not to be maintained before decision of Secretary is given, unless delay of more than ninety days,..... 215
decision of collector as to other matters to be final, unless, &c., ... 215
act amending acts imposing,.....491–495
manufactures of cotton,.....492–493
spool thread of cotton,..... 492
additional on brandy, rum, &c.,....492, 493
on spun silk,..... 493
on railroad iron and iron tubes,.... 493
on cotton,..... 493
illuminating oil, petroleum, &c.,..... 493
tobacco stems,..... 493

Duties on Imports, (continued.)
clothing of silk,..... 493
quicksilver,..... 493
tonnage duty to be thirty cents a ton,.. 493
certain vessels to pay only one a year,..... 493
statuary, to mean what,..... 493
ten per cent. additional on products of countries east of Cape of Good Hope, imported, &c.,..... 493
assessment of ad valorem duties,..... 493
additions to invoice value,.....493, 494
actual market-value to be appraised,... 494
penalty for undervaluation,..... 494
guano, exportation of,..... 494
casks and cases containing distilled spirits and teas, to be marked and branded,..... 494
flax and hemp, and steam agricultural machinery, may be imported free,... 494
judgment in suits for duties and penalties to be collected in coin,..... 494
duties upon certain goods destroyed by casualty to be abated,..... 495
money paid in excess of duties to be refunded,..... 215
discriminating duty of ten per cent. to be paid on goods imported in foreign vessels,..... 215
not to apply as against treaty stipulations,..... 215
ten per cent. additional duty on products of countries beyond the Cape of Good Hope, (except raw cotton,) if imported from places this side the Cape, 216
goods in public stores and bonded warehouses, subject to what duty,..... 216
certain machinery for weaving fabrics of flax or hemp may come free for one year,..... 216
steam agricultural implements and machinery,..... 216
laws for collection of duties to remain in force,..... 216
duties on goods not provided for by this act to remain as before April 29, 1864, 216
importer, upon entry of goods, may add to invoice value,.....216, 217
collector to ascertain dutiable value of goods,..... 217
additional duty, if appraised value exceeds, &c.,..... 217
actual value of goods on board vessel at last place of shipment to be dutiable value,..... 217
value, how ascertained,..... 217
duty on philosophical apparatus, &c., for colleges,..... 217
casks, &c., exported full and returned empty, to be free of duty,..... 217
invoices of goods imported to be made out in weights or measures of country whence imported,..... 217
officers appointed to carry into effect certain licenses to receive $1000 a year additional,..... 218
personal effects, baggage, &c., to be free of duty,..... 218
Duties on Imports, Collection of,
beasts of burden, carriages, &c., conveying smuggled goods, to be seized and confiscated,.....441, 442
search of buildings near the boundary line of the United States,..... 441
Duty,
on circulation, deposits, and capital stock of banking associations,..... 111
D' Wamish Indians,
appropriation for the,.....172, 551

E.

Eastern Judicial District in New York,
created, and counties composing,..... 438
judge, jurisdiction and pay,..... 438
when to hold court in southern district of New York,..... 438
other officers,..... 438
terms of district and circuit courts,.... 438
concurrent jurisdiction of court,..... 438
Ecuador,
act to carry into effect convention with, for mutual adjustment of claims,...37, 38
pay of commissioner,..... 38
if minister resident is appointed commissioner,..... 38
contingent expenses and those of umpire,..... 38
appropriation,..... 38
convention with, of Nov. 25, 1862,..... 631
certain claims against, or the United States, to be referred to commissioners,..... 631
commissioners, appointment of, &c., 631, 632
vacancies in board of, how filled,.. 632
time of meeting,..... 632
oath of, to be recorded,..... 632
to name an umpire,..... 632
if commissioners cannot select umpire, how appointed,..... 632
examination of claims,..... 632
each government to furnish papers,.... 632
amount of indemnity, how determined, 632, 633
certificates of amounts awarded,..... 633
mode of payment of,..... 633
revenues pledged to secure,..... 633
commission, when to end its labors,.... 633
record of proceedings of,..... 633
proceedings of commissioners conclusive upon pending claims,..... 633
claims not presented during existence of commission to be invalid,..... 633
duty of umpire as to cases pending when commission ends,.....633, 634
compensation of commissioners and umpire,..... 634
Election Cases,
pay to clerk for continuing digest of,... 352
"Election District,"
how to be construed in the enrolment act,..... 11
Elections,
interference with, by persons in the service of the United States, prohibited,..... 437
qualifications of voters not to be prescribed,..... 437
penalty for violating this act,..... 437
right of suffrage of such persons not interfered with,..... 437
Electoral Vote,
pay of messengers for conveying to seat of government,..... 350
Electric Telegraph,
appropriation for, between Atlantic and Pacific States,..... 24

Emancipation Commissioners,
in District of Columbia, award of, amended, ... 411
"E. M. Baxter," The Schooner,
American register to issue to, ... 570
Embezzlement
of moneys received under money-order system, ... 78
Emigrant Office,
to be established in New York, ... 386
superintendent of immigration, ... 386
clerks, pay, powers, and duties, ... 386
Emigrants,
by overland routes to the Pacific, appropriation for protection of, ... 14
contracts by, pledging wages to repay expenses of emigration, valid, ... 386
not to be enrolled for military service until, &c, ... 386
Emigrant Trains,
not to be molested by Indians, ... 681
Emigration. See *Immigration.*
act to encourage, ... 385, 386
expenses under act to encourage, ... 424
Emrie, John S.,
payment to, ... 579
Engineer Department,
appropriation for, ... 23
Engineers,
regiment of veteran volunteers may be organized, ... 80
of steamboats, fee for license, ... 120
of ferry-boats, tug-boats, &c., subject to inspection, to be classified, and licensed, ... 120
sergeant-major, quartermaster, and commissary sergeant added to battalion of, ... 144, 145
their pay, ... 145
number of chief, &c., on board naval vessels, ... 393
pay of, &c., ... 393
Engineers in the Navy,
retired pay of, ... 54
Engineers, Volunteer,
six regiments to be enlisted, ... 488
two companies to be added to former regiment, ... 488
Engraving,
appropriations for, ... 25, 148, 448
transfer of balances, ... 26
when probable cost will exceed $250, to be awarded to lowest and best bidder, 186
immediate contracts may be made when public exigency requires, ... 186
Enlisted Seamen,
or marines, provisions concerning, ... 7, 8, 342, 380
Enlistment,
of persons charged with crime in the District of Columbia, act to prevent, . 498
punishment of principals and accessories, ... 498
of insane persons, convicts, or those under indictment for felony, or held to bail for felony, or drunken persons, or deserters, or minors, punished, ... 489, 490
Enlistments,
into the naval service of drafted persons, or those in military service, ... 7
law allowing transfers from army to navy repealed, ... 119
in regular army may be for three years, or during, &c., ... 130
Enlistments, (continued.)
in naval service, or marine corps, to be credited to states, towns, &c., ... 342, 380
See *National Forces.*
Enrolled Men,
furnishing incompetent substitutes, to be still liable to draft, ... 490
may muster in men not subject to draft, 491
Enrolling, &c., National Forces,
act amending several acts passed for, 487, 491
Enrolment,
who liable to, ... 7, 9
who exempt from, ... 8
no longer to be made in two classes, ... 8
penalty for forcibly resisting, &c., ... 8
quota may be adjusted to revised, ... 489
Enrolment Act,
appropriation for necessary expenses under, ... 126
Enrolment and License,
of vessels engaged in the coasting-trade and fisheries owned in Hudson and Bergen counties, N. J., authorized, .. 438, 439
of vessels navigating western rivers and waters on northern, &c., frontiers, where may be made, ... 444
proceedings, ... 444
to steam-tugs B. F. Davidson and W. K. Muir, ... 19
necessary for certain vessels in coasting trade on northern, &c., frontiers, ... 134
Enrolment Lists,
to include what names, ... 7, 9
names of what persons to be stricken from, ... 7, 8
Envoys, &c.,
appropriations for pay, &c., of, ... 137, 422
Equipment and Recruiting,
appropriations for bureau of, ... 81, 462
Ericsson, John,
joint resolution authorizing amendment of contract with, for construction of certain floating batteries, ... 409
as to Puritan, ... 409
as to Dictator, ... 409
Erie,
additional inspectors authorized at, ... 198
Essex, Gunboat,
appropriation to pay officers, &c., of the, bounty for destroying the Arkansas, . 324
Este, Major William M.,
accounts of, to be settled, ... 590
Evidence. See *Witnesses,* 351
in District of Columbia, parties to, and persons interested in, civil suits, may be, ... 374
provided, &c., ... 374
copies of certain transcripts made evidence, ... 535
in actions by or against guardians, executors, &c., neither party shall testify, unless, &c., ... 533
Examination. See *Navy.*
of officers in navy before promotion, .. 53, 54
biennial, of pensioners, ... 387
Examining Boards,
for examination of quartermasters, commissaries, and paymasters, and their assistants, ... 181
of whom to consist, and to be sworn, .. 181
how convened and what to do, ... 181
rules and regulations of, ... 181

Examining Boards, (continued.)
officers neglecting to appear for examination, how punished,..... 181
not passing examination, to be dropped,.....181, 182
dismissal not to relieve from liability for previous offences,..... 182
records of, to be forwarded to heads of respective bureaus,..... 182
for examination of pensioners,..... 388
Excess of Duties,
money paid in, to be refunded,..... 215
Executive Buildings,
appropriations for the, 148, 150, 153, 154, 348, 448, 450, 453, 454
Executive Expenses,
appropriations for,.....145, 161, 448
See *Legislative, Executive, &c.*
Executive Orders,
respecting soldiers absent without leave, 775
offering rewards for the arrest of certain felons,..... 776
removing all restrictions upon trade,... 776
reëstablishing the authority of the United States in Virginia,..... 777
directing claims for rewards for arrest of Booth and others, to be filed by January 1, 1866,..... 778
Exempt,
from draft, surgeons, &c., on enrolling boards,..... 491
from taxation, certain treasury notes,.. 425
from distraint, what property,..... 471
Exempt from Duty,
what articles are. See *Duties on Imports, Internal Revenue.*
Exemption,
from enrolment or draft, what to authorize,..... 8, 9
certain persons not entitled to,..... 8, 9
claims for, to be verified by oath,.. 9
obtained by fraud to be void,..... 10
fees for papers for,..... 10
Exemption Papers,
fees for preparing,..... 10
Ex-Mission of San José. See *San José*.
act for relief of occupants of,..... 534
Experimental Garden,
appropriation for,..... 155
Export Duties,
provisions respecting, in treaty with Ottoman Empire,.....611, 617
Express Companies,
provisions of internal revenue law concerning,.....276, 277
Expressmen,
license to, &c.,..... 473
Extortion,
penalty upon collector and deputy for, under revenue law,..... 238
Extra Copies. See *Public Documents.*
of public documents, when and how may be had,..... 186
Extradition of Fugitives from Justice,
treaty provisions with Hayti, concerning,.....727–729
Extra-Duty Pay,
enlisted men at Military Academy entitled to, when, &c.,..... 39

F.

Fast, National,
recommended by congress,..... 415
appointed,..... 744
Fasting,
humiliation, and mourning, day of, appointed for the death of Abraham Lincoln,..... 755
Fees,
of agents and attorneys, for making exemption papers,..... 10
physicians to have none for certificates of disability,..... 10
for inspection of steamboats, payments in lieu of, according to tonnage of vessel, 514
of customs-officers on northern, &c., frontiers for various papers and services,.....518, 519
Fees and Emoluments,
of certain collectors, what, and how to be accounted for,..... 134
Females,
may be employed as clerks in departments,..... 28
salary not to exceed $600,..... 28
twenty per cent. added to pay of those in government employ,..... 160
pay not to exceed $1000 a year,... 160
Fernandina,
blockade of, to cease so far that,..... 749
Ferry-Boats,
hulls and boilers of certain, to be inspected,..... 120
fees for inspection,..... 120
provisions of internal revenue act concerning,.....275, 277
Fifth Auditor,
appropriations for office of,.149, 150, 449, 450
additional clerks in office of,..... 27
Fines and Forfeitures,
Secretary of Treasury may remit,..... 198
facts, how ascertained,..... 199
how disposed of,..... 199
Firemen,
in naval service, honorable discharge to be granted to,..... 120
Firmans,
to be granted without delay to vessels passing through the Dardanelles and Bosphorus,..... 618
First Auditor,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of,..... 27
First Comptroller,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of, ... 27
"*First Proof*,"
to mean what under internal revenue law,..... 243
Fishing Bounties,
not to be paid until proof that duty on foreign salt used in curing them has been paid,..... 142
Fisk, Almond D.,
patent obtained by, may be extended to heirs of, if, &c.,..... 596
Fisk, Phebe Ann,
may apply for extension of patent,..... 596
Fitch, Richard,
land-warrant to issue to,..... 682
Five-Forty Bonds. See *Bonds.*
act authorizing issue of,..... 13
Five-Forty Loan. See *Loan.*
Secretary of Treasury may borrow not over $600,000,000,..... 468
Five-Twenties,
certain remaining unsold, may be disposed of,..... 425

Five-Twenty Bonds,
certain may be issued to certain subscribers,..... 13
Flatheads,
appropriations for the,.....174, 553
Flax, and Manufactures of,
duty on,..... 209
machinery designed to manufacture, to be free of duty,..... 216
Flax, &c., Machinery,
to be imported free,..... 494
Fleet Engineers,
to be appointed, rank, &c.,..... 54
Fleet Paymasters,
to be appointed, rank, &c.,..... 54
Floating Battery. See *Ericsson.*
Floating Dry Dock,
appropriation for, to be applied to build two dry docks,..... 85
Floats,
for certain lands in Louisiana,..... 326
Florida,
not entitled to representation in electoral college,..... 567
provisional governor appointed for,.... 771
the United States to help,..... 772
convention, qualifications of electors,.. 771
Fog-Signals,
rules governing,..... 60
Forbes, Paul S.,
advance payment may be made to, on contract, if, &c.,..... 604
Forcible Entry and Detainer,
provisions of statute concerning, in the District of Columbia,.....383, 384
See *District of Columbia.*
Ford, Joseph,
title of, to certain lands in Minnesota, confirmed, and patent to issue therefor,..... 579
Foreign Consuls,
to be exempt from income duty when, &c., 305
Foreign Exchange,
act to prohibit sales of,.....132, 133
repealed,..... 344
Foreign Intercourse,
general appropriation for,.....137, 422
Forfeiture,
for having distilled spirits with intent to sell in fraud of law,.....14, 15
proceedings to enforce,.....14, 15
for removing cotton to evade duty,..... 16
of spirituous liquors attempted to be introduced into Indian country,..... 29
Forfeitures,
amount due informer, under revenue laws, how determined,..... 483
Forgery. See *Bonds, Internal Revenue, Treasury Notes.*
of obligations and securities of the United States,..... 117
Fort Bridger,
treaty concluded with the Shoshonee nation at, assented to,..... 663
Fort Crawford Reservation,
sale of land in Iowa in,..... 334
Fortifications,
appropriations for,.....23, 129
appropriations for construction, preservation, and repairs of certain, for years ending 30th June, 1865, and June 30, 1866,.....353, 442, 444
Fort Adams,..... 443
fort at Alcatraz Island,.....354, 443
Fortifications, (continued.)
Fort Carroll,..... 354
Fort Clinch,.....354, 443
Fort Constitution,.....353, 443
fort at Delaware breakwater,..... 354
fort at Fort Point, San Francisco, 354, 443
Fort Georges,.....353, 443
Fort Hale,..... 443
Fort Hamilton,.....353, 443
Fort Independence,..... 443
Fort Jefferson,.....443, 461
Fort Knox,.....353, 443
Fort McClary,.....353, 443
Fort Mifflin,.....354, 443
Fort Monroe,.....354, 443
Fort Montgomery,.....353, 443
fort at New Bedford Harbor,...354, 443
Fort Niagara,..... 443
Fort Ontario,..... 443
Fort Popham,.....353, 443
Fort Porter,..... 444
Fort Preble,.....353, 443
Fort Richmond,..... 354
fort at Sandy Hook,.....354, 443
Fort Scammel,.....353, 443
Fort Schuyler,.....354, 443
fort on Ship Island,.....354, 443
Fort Taylor,.....443, 461
fort on site of Fort Tompkins, 354, 443
Fort Warren,.....353, 443
Fort Washington,..... 443
Fort Wayne,..... 443
fort at Willett's Point,.....353, 443
Fort Winthrop,.....353, 443
Fort Wool,..... 354
repairs on several forts in New York Harbor,..... 353
battery on Staten Island,..... 354
defences at mouth of Columbia River,..... 354
repairs, &c., of barracks, &c.,..... 354
platforms for cannon,..... 354
sea-wall at Great Brewster's Island,.... 443
sea-walls on Deer and Lovell's Islands,. 443
additional defences at San Francisco, 354, 443
field-works and operations,..... 443
tool and siege trains,.....354, 443
bridge trains and equipage,.....354, 443
contingencies of,..... 354
defences of Washington,.....354, 443
surveys for military defences,.....354, 444
obstructions in Potomac River,..... 354
purchase of campaign maps,..... 444
survey of northern and northwestern lakes,..... 444
charts of lake surveys,..... 444
purchase and repair of instruments,.... 444
appropriation for armament of,.....461, 497
Fort Laramie Indians,
appropriations for,..... 171, 550
Fort Pillow,
joint resolution directing committee on conduct of war to examine into recent attack on,..... 405
Fourth Auditor,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of,..... 27
Foxes,
appropriations for the,.....170, 549
Fractional Currency,
may be issued to an amount not over $50,000,000,..... 220
to be receivable for all dues except for customs,..... 220

Fractional Notes,
none to be issued of less denomination than five cents,..... 518
Franked Matter,
official communications to heads of departments, &c., to be sent free of postage, without indorsement,..... 95
Franking Privilege,
of President and Vice-President, to extend to what,..... 30
commissioner of internal revenue to have,..... 223
granted to commissioner of internal revenue,..... 487
Franklin Insurance Company,
charter of, extended,..... 426
certain acts of, legalized,..... 426
increase of capital stock,..... 426
Free Delivery
of postal matter to be established, where, &c.,..... 507
Freedman's Savings and Trust Company,
established,..... 510
See *The Freedman's Savings and Trust Company.*
Freedmen and Refugees. See *Bureau, &c.*
bureau for relief of, established,....507, 508
Friction Matches,
provisions of revenue law concerning, 482, 485
Fuel
for navy, appropriation for,..... 80
Fugitive Slaves,
acts for rendition of, repealed,..... 200
Full-bloods,
preference to be given to, as laborers, under treaties with Indians,..... 695
Furniture
of public buildings, appropriations for,.. 25

G.

Galbraith, Thomas J.,
accounts of, as Indian agent, to be settled,..... 591
Galena,
two local inspectors of steamboats at, authorized,..... 514
compensation, &c.,..... 514
Gallon,
in sales of spirits, to mean what,..... 472
Gardens,
experimental and propagating, appropriations for,.....155, 455
Gas,
price of, in Washington, D. C.,..... 426
Gates, Horace,
pension to,..... 586
General Land-Office,
appropriation for office of commissioner of,.....151, 451
Genereux, Joseph,
lands in Missouri, granted to,..... 582
Genesee,
additional inspectors authorized at,.... 198
Georgetown,
front-foot water-tax on certain lots in,.. 133
general special tax may be laid instead,..... 133
corporation of, may levy taxes to pay debts contracted for filling its quota,..... 439
and to pay its portion of the direct tax of 1861,..... 439
Georgia,
not entitled to representation in electoral college,..... 567
provisional governor appointed for.... 764
the United States to help,..... 765
convention, qualifications of electors,.. 764
"Georgiana," The,
claims of owners of, against Peru to be submitted to arbitration,..... 635
See *Peru.*
Gerould, Samuel L.,
payment to, for services as clerk,..... 599
Glass,
duty on,.....210, 211
"Glen," The British Schooner,
indemnity to owners of,..... 575
Globe, Congressional,..... 392
See *Congressional Globe.*
Gold Bullion and Coin,
tax on sales, &c., of, by brokers,..... 478
Gold Coin or Bullion,
act to prohibit sales of,.....132, 133
repealed,..... 344
Gold, Manufactures of,
duty on,..... 212
Goodloe, Green Clay,
may be reappointed to cadetship in the Naval Academy,..... 587
Goodrich, E.,
payment to,..... 579
Goods, &c.,
imported, how to be unladen and inspected at first port of arrival,..... 197
trunks, closed vessels, &c., to be opened, 197
to be forfeited if dutiable goods are found therein,..... 197
penalties, fines, and forfeitures, 197, 198, 199
Gorman, Willis A.,
to be sued for recovery of money paid on false vouchers transmitted by,.... 586
Goship Bands of Indians,
treaty with, of October 12, 1863,..... 681
See *Shoshonee-Goship, &c.*
Government Hospital for the Insane,
transient insane persons may be admitted,..... 3
grounds of to be improved, by exchange of land,..... 200
appropriation for the,..... 348
part of pay of officers of navy or marine corps in, to be reserved,..... 348
land to be deeded to John Perkins in exchange for lands of his,..... 414
Grand Juries,
in district and circuit courts of the United States,..... 500
number of, and how summoned,..... 500
if insufficient number attend, &c., panel how completed,..... 500
challenges,..... 500
twelve must concur to find a bill,..... 500
court to appoint a foreman,..... 500
foreman to swear witnesses,..... 500
Grant, Major-General Ulysses S.,
thanks of congress and gold medal to,..... 399
Gratuities,
to the five surviving soldiers of the Revolutionary war,..... 597, 598
to Mrs. Lucy A. Rice,..... 604
appropriation for,..... 85
Great Brewster,
appropriation for sea-wall on,..... 354

Great Britain,
notice given to, for termination of treaty with, relating to the naval force upon the lakes, adopted,..... 568
additional article to the treaty with, for the suppression of the slave-trade, of February 16, 1863,..... 645
right of search and detention of certain vessels may be exercised within thirty leagues of Madagascar, Puerto Rico, and San Domingo,..... 645
to have same effect as if it formed part of former treaty,..... 645
ratifications, when to be exchanged, &c.,..... 645, 646
treaty with, for the final settlement of the claims of the Hudson's Bay and Puget's Sound Agricultural Companies, of July 1, 1863,..... 651
commissioners to examine claims,.. 651, 652
appointment, place of meeting, &c., 652
to name an umpire,..... 652
if they cannot agree, King of Italy to appoint,..... 652
umpire to be qualified,..... 652
vacancy in office, &c., how filled,..... 652
decision to be final,..... 652
awards to be paid in instalments,... 652
salaries of, and of arbitrator,..... 652
clerks to, and their pay,..... 652
record of proceedings to be kept,.. 652
Green, Warren W.,
payment to, for services,..... 581
Guano,
exportation of certain, permitted,..... 494
Guardians,
of lunatics and minors in the District of Columbia,..... 18, 19
Guardian Society of District of Columbia,
act in favor of,..... 324
Guerillas,
an act to provide for more speedy punishment of,..... 356
who may carry into effect sentence against,..... 356
Gull Lake Reservation,
ceded to the United States, except, &c., 693
clearing of lands on,..... 694
houses for chiefs of bands,..... 694
Gunnery,
pay of officer charged with experiments in, at Washington navy yard,..... 466
Gunny Cloth and Bagging,
duty on,..... 209
Gunpowder,
appropriations for purchase of, 129, 461, 497
duty on,..... 214
Gwynn, Stuart,
accounts of, to be adjusted and report made,..... 458
contract-price to be observed,..... 458
before payment, Gwynn to make conveyance to the United States,..... 458

H.

Habeas Corpus,
writ of, suspended as to certain persons, 730
writ of, suspended,..... 735
suspended in Kentucky,..... 743
suspension of writ of, revoked,..... 774
Hakodadi,
office of commercial agent at, changed to that of consul,..... 140
Hall, Chapin,
to be paid damages for use of lumber,.. 598
Harbors,
appropriation to preserve public works in certain, on Lakes Champlain, Ontario, Erie, St. Clair, Huron, Michigan, and Superior,..... 200
on the seaboard,..... 201
Harrison, Rebecca S.,
pension to,..... 597
Hastings, John,
credit to be given to, for money lost by robbery,..... 599
Haun, C. A.,
relief to the widow of,..... 583
Hayti,
commissioner and consul-general to, 139, 424
treaty between the United States and, of November 3d, 1864,..... 711
peace and amity and privileges of most favored nation,..... 711, 712
rights of citizens in case of war,..... 712
property not to be confiscated,..... 713
exemption from compulsory military duty,..... 713
rights of residence and of business,.... 713
privileges of courts,..... 714
books and papers not to be examined, unless, &c.,..... 714
liberty of conscience and of religious belief,..... 714
rights of burial,..... 714
disposal of personal property by will, and succession thereto,.....714, 715
imports and exports,..... 715, 717
coasting trade not included,..... 716
rates of duties,..... 716
no prohibitions on importations,..... 716
provisions as to discriminating duties,.. 717
rights of asylum and refuge,..... 717
of those shipwrecked,..... 717
duties not to be charged on certain goods unloaded from stranded vessels,.....717, 718
ships of either country not affected by ownership of merchandise on board, contraband excepted,..... 718
rules as to blockades, &c.,..... 718
free ships to make free goods,..... 719
property of neutrals not subject to confiscations, &c.,..... 719
contraband of war to include what, 719, 720
what not specified as, to be free for commerce,..... 720
merchant vessels in time of war to exhibit passports, &c.,..... 720
neutral vessels to have passports and certificates,..... 721
manner of search of vessels,..... 722
ships under convoy not to be visited or searched,..... 722
provisions in case of capture,..... 723
care of captured property,..... 723
prize courts alone to take cognizance of prize cases,..... 724
no duties on prize ships or their captors,..... 724
foreign privateers,..... 724, 725
citizens of either country not to take letters of marque against the other,.. 725
equal rights of diplomatic agents,..... 725

Hayti, (continued.)
consuls and vice-consuls,..... 726
commissions and exequaturs,..... 726
to be exempt from personal taxes, 726
&c., may have aid of local authorities to arrest deserters, &c.,..... 727
consular convention to be had,..... 727
surrender of fugitives from justice, 727, 728
what proof required,..... 728
to be made only by the executive,. 728
crimes for which surrender shall be made,..... 728
certain offences not included,..... 728
expenses of detention and delivery to be paid by applicant,..... 728
treaty to remain in force, how long,.... 729
ratifications, when to be exchanged,... 729
exchange of ratifications, &c., ... 729
Heads of Departments,
bureaus, &c., not to receive pay for services in any matter where the United States is a party,..... 123
Heating,
appropriations for,..... 146, 350, 441
Hebard, Captain Daniel,
accounts of, to be settled,..... 590
Hemp,
appropriation for, for navy,..... 80
machinery designed for the manufacture of, to be free of duty,..... 216
Hemp, &c. Machinery,
to be imported free,..... 494
Hoffman, Ida,
pension to,..... 583
Hogan, C. V.,
certain money deposited to the credit of, to be paid to Henry C. De Ahna,.... 603
Hole-in-the-Day,
grant of land to,..... 693
payment to, for losses,..... 693
Home for the Relief of Friendless Women and Children,
act to incorporate,..... 130, 131
Homestead Act,
persons in military or naval service, claiming benefit of, may make affidavit before whom,..... 35
such affidavit being filed with register, to take effect from day of filing, if fees are paid,..... 35
commissions to register and receiver,.. 35
persons prevented by bodily infirmity from attending at land-office, may make affidavit before clerk of court,. 35
affidavit may be transmitted,..... 35
fees of registers and receivers in pre-emption claims,..... 35
time for filing affidavits extended to pre-emptors in the military or naval service,..... 36
additional fees, &c., to certain registers and receivers..... 36
maximum not to exceed, &c.,..... 36
Honduras,
treaty between the United States and, of July 4, 1864,..... 699
peace and amity,..... 700
reciprocal freedom of commerce, subject to laws,..... 700
ships of war and post-office packets of the two countries to enter harbors of either,..... 700
privilege of coasting trade not granted hereby,..... 700
Honduras, (continued.)
privileges of most favored nation granted,..... 700
duties on imports and exports,..... 701
to be the same on goods carried in vessels of either country,..... 702
tonnage, light, harbor, and salvage dues, 702
bounties and drawbacks,..... 702
rights of United States citizens in Honduras,..... 703
of citizens of Honduras in the United States,..... 703
courts of justice to be open equally for citizens of both countries,..... 703
other privileges of citizens of both countries to be the same,..... 703
estates of persons deceased,..... 704
exemption from compulsory military service,..... 704
diplomatic agents and consuls,.....704, 705
rights of citizens in case of war between the two countries,..... 705
liberty of the person,..... 706
of religious belief,..... 706
rights of burial,..... 706
certain articles of this treaty may be terminated after notice,.....706, 707
Honduras interoceanic railway company to have right of transit, &c.,.....707, 708
sovereignty and property of Honduras in and over the line of road recognized and guaranteed,..... 708
protection and guaranty may be withdrawn,..... 709
ratifications where to be exchanged, ... 709
Honduras Interoceanic Railway Company,
provisions concerning, under treaty with Honduras,..... 707–709
Hooker, Major-General Joseph,
thanks of congress to,..... 401
Hoopa Valley,
appropriation to pay settlers for their improvements on Indian reservations therein,..... 538
improvements to be appraised,..... 538
amount not to exceed the appropriation, 539
to be reimbursed from proceeds of sales of reservations,..... 539
Horse and Mule-Litters,
when may be furnished in lieu of ambulances,..... 20
Horse Equipments,
allowance to men furnishing, to extend only to, &c.,..... 145
Horses,
allowance to men, &c., furnishing, to extend only to, &c.,..... 145
of officers, &c., lost by capture by the enemy, to be paid for,..... 182
Horses, Artillery, and Cavalry,
appropriations for,..... 24, 128, 496
Hospital Department, Army,
appropriations for,..... 23, 128, 497
Hospital Dues,
to be collected from United States vessels sold in foreign ports,..... 61
Hospital for Insane,
Secretary of Navy to reserve part of officers' pay in,..... 348
superintendent to receive and disburse, and account for,..... 348, 349
appropriations for,..... 348
Hospitals and Hospital Stores,
appropriations for,..... 23, 128, 497

Hospitals, Naval,
appropriations for,..... 83, 465
House of Representatives,
appropriation for,..... 26
appropriations for expenses of, 146, 147, 446
Howard, Major-General Oliver O.,
thanks of congress to,..... 401
Hubbell, William Wheeler,
claim of, for use of patent, to be referred to court of claims,..... 588
Hudson's Bay Company,
claim of, for damages against the United States, to be investigated and determined by commissioners,..... 195, 651
Humiliation and Mourning,
day of appointed for the death of Abraham Lincoln,..... 755
Humiliation and Prayer,
resolution requesting the President to appoint a day of national,..... 415
day appointed,..... 744
Hunot, Joseph,
lands in Missouri granted to,..... 581
Hunt, Charles,
exequatur of, as consul for Belgium at St. Louis, revoked,..... 741, 742
Hutchings, William,
gratuity to,..... 598
copy of act granting, to be sent to, 598

I.

Idaho Territory,
appropriations for government in,. 157, 457
Indian service in,..... 180, 559
surveys of public lands in,..... 349, 350
post-routes established in,..... 321, 522, 520
oath of judges in, may be taken before whom,..... 89
part of territory of, transferred to Dakota,..... 92
territory of, may be reapportioned for members of legislative assembly, 142, 143
basis of apportionment,..... 143
rights of members elect not impaired,.. 143
time of annual election in 1864, ... 143
with Nevada to constitute one surveyor-general's district,..... 353
provisions for telegraphic communication with, ... 374
See *Telegraph.*
construction of wagon-roads in, authorized,..... 516, 517
appropriation for, ... 517
Illinois,
joint resolution providing for election of members of congress from, at large, until, &c.,..... 407
post-routes in, established,..... 316, 522, 523
Immigration,
act to encourage,..... 385–387
commissioner to be appointed, &c.,..... 386
salary, term of office, clerks of, &c., 386
contracts by immigrants, pledging wages to repay expenses of, when valid, &c.,..... 386
advances on, &c., to be lien on land, &c.,..... 386
immigrants not to be enrolled for military service, unless, &c.,..... 386
emigrant office to be established in New York,..... 386
superintendent of,..... 386
salary, clerk, powers of, &c.,.. 386
Immigration, (continued.)
who may not be officers under act to encourage, ... 386
penalty on officers for taking fees, &c., . 387
report to congress on, &c.,..... 387
appropriation to carry act to encourage into effect,..... 387
expenses under act to encourage,..... 424
Import Duties. See *Belgium.*
on goods from the United States imported into Belgium,..... 648
provisions respecting, in treaty with Ottoman Empire,..... 612, 618
Imported Articles,
to be unladen and inspected at first port of arrival,..... 197
trunks, closed vessels, &c., to be opened, 197
to be forfeited if dutiable articles are found therein,..... 197
penalties, fines, and forfeitures, 197, 198, 199
Imports,
act increasing duties on certain,... 202, 218
joint resolution to increase for sixty days, duties on,..... 405
to continue in force,..... 411
See *Duties on Imports.*
act imposing duties on,..... 491–495
Income Duty. See *Internal Revenue.*
provisions of internal revenue, act concerning,..... 281–285
certain consuls of foreign countries not subject to, ... 17, 305
resolution imposing a special,..... 417
Income Tax,
provisions of revenue law concerning, 479–481
rate of tax,..... 479
how assessed and collected,..... 479, 480
annual gains and profits, how estimated, 479
what to be included, and what deductions,..... 479, 480
lists and returns to be rendered,..... 480
to be verified on oath,..... 480
penalty for not making, or for returning fraudulent lists,.... 480, 481
provision for cases where income duty has been paid elsewhere,..... 481
appeals from decision of assistant-assessor,..... 481
Independent Treasury,
appropriations for the,..... 158, 457
Indiana,
special sessions of federal district court in, ... 3, 419
what suits to be heard therein,.... 3
provision for pending process,..... 419
post-routes in, established,..... 317, 522
Indian Affairs,
appropriations for office of commissioner of, ... 151, 451
Indian Affairs in California,
act for better organization of,..... 39
California to constitute one superintendency,..... 40
superintendent, appointment, bond, salary, &c., of, ... 40
may appoint a clerk,..... 40
four tracts of land may be set apart for reservations,..... 40
how to be located,..... 40
improvements therein may be purchased after report to congress,..... 40
may or may not include present reservations,..... 40

Indian Affairs in California, (continued.)
reservations not retained to be surveyed and offered for sale,..... 40
minimum price, sale how conducted, 40
agent to be appointed for each reservation,..... 40
residence, duty, bond, salary, term of office,..... 40, 41
physician, blacksmith, farmer, and carpenter, for each reservation,..... 41
Indian reservations and others to be surveyed under direction of general land-office,..... 41
Indian agents not to visit Washington, unless ordered,..... 41
to reside at agencies,..... 41
offices and agencies in California, not provided for in this act, abolished,.... 41
Indian Agencies,
in Montana, continued,..... 91, 92
Indian Agents,
in Utah and Nevada, appropriation for,..... 25
to search for and destroy spirituous liquors in Indian country, &c.,..... 29
to reside at agencies,..... 41
not to visit Washington, unless ordered,. 41
for reservations in California,..... 40, 41
Indian Department,
general appropriations for, and for fulfilling treaty stipulations with certain tribes for the years 1864–65, 1865–66, 161–181, 541–563
agents, superintendents, &c., 161, 162, 541
clerks, interpreters, &c.,..... 162, 541
presents, provisions, buildings at agencies, and contingencies, 162, 541
treaty stipulations, &c., with the
Apaches,..... 165, 544
Arapahoes,..... 176, 555
Blackfoot Indians,... 162, 179, 549, 551
Calapooias,..... 171, 172, 550, 551
Camanches,..... 165, 544
Cayuses,..... 173, 552
Chastas,..... 162, 541
Cherokee Nation,..... 180, 558, 564
Cheyennes,..... 176, 555
Chickasaws,..... 165, 180, 544
Chippewas, 162, 163, 164, 168, 177, 542–544, 547, 556, 560
Choctaws,..... 165, 180, 544
Clackamas,..... 172, 551
Comanches,..... 165, 544
Creeks, 165, 166, 177, 180, 544, 545, 557
Dakotas,..... 180
Delawares,..... 166, 545
Dwamish,..... 172, 551
Flatheads,..... 174, 553
Fort Laramie,..... 171, 550
Foxes,..... 170, 549
Iowas,..... 166, 545
Kansas,..... 166, 545
Kaskaskias,..... 180, 181, 547
Kickapoos,..... 166, 542
Kiowas,..... 165, 544
Kootenays,..... 175, 554
Lake Winnibagoshish,... 164, 543, 560
Makahs,..... 173, 551
Menomonees,..... 164, 166, 544, 545
Miamies,..... 166, 167, 546
Middle Oregons,..... 175, 554
Missourias,..... 167, 168, 547
Molallas,..... 172, 551
Molels,..... 175, 554
Indian Department, (continued.)
New York Indians,..... 164, 544
Nez Percés,..... 174, 553
Nisqually,..... 167, 546
Omahas,..... 167, 546
Osages,..... 167, 546
Ottawas,..... 168, 176, 541, 555
Ottoes,..... 167, 168, 547
Pawnees,..... 168, 547
Peorias,..... 180, 181, 547
Piankeshaws,..... 180, 181, 547
Pillager Bands,..... 164, 543, 560
Poncas,..... 172, 551
Pottawatomies,..... 169, 548, 560
Puyallups,..... 169, 546
Quapaws,..... 169, 548
Quil-leh-utes,..... 176, 555
Qui-nai-elts,..... 176, 555
Rogue Rivers,..... 170, 549
Sacs,..... 170, 549
Scotons,..... 160, 541
Seminoles,..... 170, 180, 549
Senecas,..... 170, 171, 549, 550
Shawnees,..... 171, 550
Shoshonees,..... 177, 556, 557
Sioux,..... 172, 180, 551, 559
Six Nations,..... 171, 550
S'Klallams,..... 176, 555
Tabeguache Bands,..... 560
Umatillas,..... 173, 552
Umpquas,..... 162, 171, 541, 559
Upper Pen d'Oreilles,..... 175, 554
Utahs,..... 180, 558, 560
Walla-Wallas,..... 173, 552
Weas,..... 180, 181, 547
Wichitas,..... 177, 180, 557, 562
Winnebagoes, 164, 171, 172, 544, 550, 560
Yakamas,..... 173, 552
Yanctons,..... 172, 551
Indian service in Arizona Territory, 180, 559
in California,.... 179, 557, 559
in Colorado Territory, 180, 558
in Dakota Territory,.. 179, 559
in Idaho Territory,... 180, 559
in Michigan and Minnesota,..... 179, 558
in Montana Territory,.... 559
in Nevada Territory,. 179, 558
in New Mexico,.. 177, 557, 559
in Oregon,..... 179, 558
in Utah Territory,.... 180, 558
in Washington Territory, 179, 558
in country leased from Choctaws,. 177, 557
annuities to Pawnees, Poncas, and Yancton Sioux,..... 179, 558, 559
Chippewas,..... 179, 560, 561
pay of agents, clerks, supervisors, and laborers,..... 179
vaccination,..... 179, 558
temporary subsistence of the Weas, Peorias, Kaskaskias, and Piankeshaw Indians,..... 181
to carry into effect the treaty with,. 180
subsistence of the Siseeton, Wahpaton, Medanakanton and Wahpakoota bands of Sioux or Dakota Indians, 480, 559
appropriations to tribes in hostility, including the Cherokees, Chickasaws, Choctaws, Creeks, Seminoles, Wichitas, and other affiliated tribes may be expended in part on those driven from their homes,..... 180, 562
accounts to be kept,..... 180, 562

Indian Department, (continued.)
$250,000 to be paid in money for their support,..... 563
purchases of articles for Indians to be made after advertisement, ... 181, 562
no bid unreasonable in its character to be accepted,..... 181, 562
no part of annuities to be expended for Indians outside of Indian Territory south of Kansas, except, &c., ... 181, 562
expenses of board of visitors,..... 561
of removal and subsistence of the Chippewas,..... 561
female teachers, medals, &c.,..... 561
certain annuities may be paid in coin,.. 562
chiefs of Stockbridge Munsee tribe may enter a homestead,..... 562
may become citizens,..... 562
proceedings,..... 562
abandoned reservations of, may be sold,..... 562
temporary relief for refugee Indians,... 563
unlawful driving of horses, stock, &c. from Indian Territory, how punished, 563
agents of Indian tribes may sell horses, cattle, &c., for Indians,..... 563
Indian Hostilities,
pay for suppressing, in Minnesota,... 350, 351
Indian Refugees,
appropriation for relief of, in Southern superintendency,..... 62
Indian Regiments,
claims of officers of the fourth and fifth, to be paid,..... 413
Indian Reservations,
in California, four tracts to be set apart for,..... 40
former reservations, if not retained, to to be surveyed and sold,..... 40
to be surveyed under direction of general land-office,..... 41
in Utah, except Uinta Valley, may be surveyed and sold,..... 63
proceeds of sale, how applied,..... 63
minimum price,..... 63
Indians in territory to be settled in Uinta Valley,..... 63
appropriation for agricultural improvements in Uinta Valley,..... 63
in Utah Territory, where to be selected, 432
Washington Territory, payment for lands, &c., of private citizens taken for, 432
claims, how allowed and paid, ... 432
general treaty, provisions concerning,. 682, 693, 697
See *Reservations*.
Indians,
may be competent witnesses in cases arising under act prohibiting sales of spirituous liquors,..... 29
appropriation for relief of destitute refugees in Southern superintendency,... 62
of Middle Oregon, appropriation to make treaty with,..... 324
Indians, Hostile,
furnishing arms to those within the limits of the United States, to be punished, 753
Indian Superintendencies,
in Montana, continued,..... 91, 92
Indian Titles,
to agricultural and mineral lands in Utah Territory to be extinguished by treaty,..... 432
Indian Titles, (continued.)
reservations to be excepted,..... 432
where to be selected,..... 432
in payments to Indians, agricultural implements, stock, &c., to be given as far as possible,..... 432
appropriation,..... 432
Indian Tribes,
joint committee to inquire into the condition of, and their treatment by the authorities of the United States,..... 572
to report to congress at next session,..... 573
appropriation for expenses of,..... 573
Indictment,
not necessary in summary trials of minor offences against laws of the United States,..... 125
Individual Liability,
of shareholders in banking associations, 103
executors, trustees, &c., not personally liable,..... 118
Informers,
amount due for penalties under revenue law, how determined,..... 483
Inland Waters,
property taken on, not maritime prize,.. 377
Insane.
See *Government Hospital for the Insane*.
certain may be admitted to the asylum for, in the District of Columbia,..... 427
transient insane persons may be admitted into hospital,..... 3
government hospital for the, ground of, to be improved by exchange of land,. 200
Inspection,
of vessels, fees for,..... 120
of imported articles at first port of arrival,..... 197
proceedings to avoid, at first port,..... 197
Inspectors. See *Internal Revenue*.
may be appointed in any assessment district, to aid in enforcing, &c., the revenue law,..... 229
their duty and pay,..... 224
of spirits, oil, tobacco, cigars, &c., to be appointed,..... 244
pay, duty, &c., of,..... 244
Inspectors of Customs,
pay of, in certain ports, may be increased,..... 61, 62
certain authority of collectors extended to,..... 442
pay of certain increased,..... 460
Inspectors of Steamboats,
appropriations for,..... 158
additional supervising authorized,..... 120
two local, at Memphis and Portland,... 120
act authorizing at Wheeling, Va., repealed,..... 120
payment for according to tonnage,..... 514
two assistant local inspectors authorized in New York,..... 514
two local, at Galena,..... 514
compensation of,..... 514
local board at Wheeling reëstablished,.. 514
in lieu of former fees for inspection, vessels of 100 tons and under to pay $25, 514
for each additional ton five cents,.. 514
Insurance Brokers,
license to,..... 473
Insurance Companies,
provisions of internal revenue act, concerning,..... 276, 277, 284, 299

Insurgent Cruisers,
to be arrested,..... 757
hospitalities to be refused to the public vessels of certain nations showing hospitalities to, after notice,..... 757
Insurrection,
the, in Tennessee declared suppressed, 757
Insurrectionary Districts,
commissioners of direct taxes in,..... 158
Insurrectionary States,
commercial intercourse with,..... 375
prohibited,..... 731
abandoned lands in, may be set apart for freedmen and refugees,..... 508
Interest,
of five-forty bonds, payable in coin,.... 219
on treasury notes payable, in lawful money,..... 219
on all bonds heretofore issued, payable annually to be paid semi-annually,... 219
on certificates of deposit for temporary loans,..... 219
Interest-bearing Notes,
not to be a legal tender for redemption of circulation of banks,..... 219
Interior Department,
appropriations for,..... 22, 451
Internal Revenue,
act to increase,..... 14
amendment of act,..... 469–487
duty on spirits distilled and sold,... 14, 420
to be collected on basis of first proof, 14
to be a lien on spirits, distillery, &c., 14
penalty for having spirits, &c., in possession, with intent to sell, in fraud of duty,..... 14
spirits, &c., to be forfeited,..... 14
forfeiture, how enforced,.....14, 15
certain distilled spirits may be sold without payment of duty,..... 15
drawback not allowed on certain spirits, 15
additional duties on distilled spirits,.... 16
duty on cotton,..... 15, 16
to be marked on bales and packages,..... 16
permits for removal,..... 16
assessors, &c., to assess and collect, 16
penalty for removing with intent to evade duty,..... 16
cotton sold by government to be free of duty,..... 16
drawback on articles manufactured exclusively of cotton,..... 16
provisions of act of 1833, to apply to collection of,..... 17, 303
act to provide,..... 223–306
any words referring to persons, to include firms and corporations,..... 258
"ton" to be two thousand pounds,..... 268
commissioner of internal revenue to be appointed,..... 223
salary, duty, authority, bond,..... 223
clerks in the office of,..... 223
to have franking privilege,..... 223

GENERAL PROVISIONS.

commissioner to pay over moneys daily, 223
to render accounts monthly,..... 223
to send copy to office of Secretary of Treasury,..... 223
bond, conditions of,..... 223, 224
deputy commissioner, appointment, salary, and duty of,..... 224

Internal Revenue, (continued.)
to act as commissioner, and exercise franking privilege,..... 224
revenue agents, their duty and pay,.... 224
inspectors in certain assessment districts, their pay,..... 224
cashier of internal revenue, salary, duty, pay,..... 324
bond, and where kept,..... 324
collection districts to remain as heretofore established,..... 324
assessment districts may be changed when required,..... 224
assistant assessor in each district,..... 224
assessors to appoint assistants,..... 469
vacancy in office of, how filled,.... 224
oath of assessor and assistant assessor, 224, 225
penalty for acting without taking,..... 229, 230
one half to go to informer,..... 230
certificate to be delivered to collector,..... 225
collectors to give bonds before entering on duties,..... 225
amount, sureties, conditions,..... 225
where to be filed and kept,..... 225
to renew and strengthen them from time to time,..... 225
collector may appoint deputies and revoke appointments,..... 225
to pay deputies,..... 225
may require bonds, &c.,..... 225
to be responsible for acts of his deputies,..... 225
may collect the whole tax and duties,..... 225, 469
deputy collectors to have power of collectors to collect taxes, &c.,..... 225
persons, firms, and corporations to return to assistant assessor amount of annual income and lists of articles subject to tax, &c.,..... 225
forms, &c., of returns,..... 225
regulations, instructions, &c., of commissioner to be binding on assessors, &c., and collectors, &c.,..... 225
assessors to cause assistants to make out tax-lists in each district,..... 225, 226
persons, &c., failing to return lists, may disclose to officer,..... 226
officer to make list,..... 226
list, when signed and sworn to, to be list of such persons,..... 226
penalty for delivering or disclosing fraudulent list,..... 226, 227
assistant assessors to notify persons absent at time of call to return tax-lists,. 226
upon refusal or neglect to give lists, or making false ones, assessor to summon them to appear with their books,..... 226, 471
penalty for disobeying summons,.. 226
arrest for contempt,..... 226
assessor to enter upon premises and make lists,..... 227
such lists to be good lists,..... 227
fifty per cent. to be added to value of such lists,..... 227
penalty for such refusal, &c.,..... 227
property of absent owners, how assessed, &c.,..... 227
lists of non-resident owners, how made, 227
non-resident owners may deliver lists of

Internal Revenue, (continued.)
such property to assistant assessor of district where they reside,..... 227
such assistants to transmit such lists,..... 227
further proceedings therewith, 227, 228
lists to be taken with reference to what time,..... 228
to be called annual, monthly, and special,..... 228
assistant assessors to make general lists, 228
of residents,..... 228
of non-residents,..... 228
forms and contents of such lists, 228
to deliver them to assessors within thirty days,..... 228
assessors to notify by advertising where appeals may be heard,..... 228
lists to be open to inspection of those applying,..... 228
assessor to hear and determine appeals summarily,..... 228
appeals when not to be allowed,..... 228
to be in writing and state what,.... 228
on hearing of, may require attendance of witnesses and production of books of account,..... 229
attendance and mileage of witnesses,..... 229
assessments may be rectified,..... 228
not to be increased without notice,. 228
notice, how given,..... 228
assessors, after expiration of time for hearing appeals, to make out lists,... 229
contents of lists,..... 229
separate lists of non-residents,..... 229
copy of to be sent to assessor of district where they reside,..... 229
lists to be sent to collectors in ten days, 229
if lists furnished are incomplete, special lists may be made,..... 229
proceedings as to special lists to be same as to other lists,..... 229
place of business of assessor to be open during business hours, except, &c.,... 229
assessors may be exonerated from forfeiture by commissioner of internal revenue,..... 229
pay of assessors, salary how payable,.. 230
percentage upon receipts,..... 230
salary in no case to exceed $4000, . 230
actual and necessary expenses allowed,. 230
regulations as to clerk-hire,..... 230
pay of assistant assessor, per diem,.... 230
certain allowances,..... 230
assessors and assistants not to be paid until accounts are approved at the treasury,..... 230, 231
additional compensation to certain assessors and to assessors in certain states, 231
penalty upon assessors for receiving portion of pay of assistant,..... 231
accounts of assistant assessors for pay and charges to be made monthly,.... 231
to be approved by assessor,..... 231
if assessor negligently approves too much, the excess to be deducted from his own pay,..... 231
or suit may be brought,..... 231
ten hours to be the equivalent of a day, 231
pay and commissions of collectors,. 231, 232, 469
certain charges and expenses to be allowed,..... 232

Internal Revenue, (continued.)
further allowances,..... 232
salary and commissions not to exceed, &c.,..... 232
accounts of collectors and assessors, how adjusted,..... 232
collectors to give three receipts for lists received from assessors,..... 232
what to be done with them,..... 232
to give notice that duties are payable,..... 232, 233
persons neglecting to pay within time, to pay ten per cent. additional, ... 233
collectors to make demand personally, or at dwellings, within ten days from receiving lists, ... 233, 469, 470
to distrain and sell, if not paid in ten days,..... 233, 469
proceedings in case of distraint, &c., 233, 469
what is exempt from distraint, 233, 234, 469
goods, &c., distrained may be restored to owner, if before sale amount due and expenses are paid or tendered,.. 233, 471
proceedings in case of sale,..... 233
proceedings where property distrained is not divisible,..... 234
to purchase for the United States property sold in certain cases,..... 234
such property may be sold, ... 234
account of charges of sale to be rendered commissioner,..... 334
to seize and sell real estate where personal property is not sufficient,..... 234
proceedings in such case, ... 234, 235
deed, to recite what,..... 235
effect thereof,..... 235
sale may be stopped by tender of amount of duty and charges,.... 235
lands anywhere within the state may be seized and sold,..... 235
lands seized may be redeemed after sale, by paying, &c., amount due, 235
to keep record of sales of lands,..... 235
record, where to be deposited,..... 235
entry of fact of redemption of lands to be made on record, ... 235
claim of government on lands sold, to date from seizure, ... 235
to collect tax upon property of persons non-residents, in the United States, 235, 236
proceedings in such case,..... 236
to send names of those on lists not residing in his district, to collector of any district where persons reside or have property,..... 236
collector receiving to return receipt, 236
to return monthly statements of collections to commissioner,..... 236
to complete collections, and render accounts, ... 236
receipt of officer of designated depository to be sufficient voucher,. 236
to be charged with whole amount of taxes receipted for,..... 237
to be credited with what,..... 237
dues from delinquent collectors to be collected by distraint and sale,.. 237, 469
warrant of distress to issue against his estate,..... 237
proceedings thereon,..... 237
real estate may be seized and sold,. 237

Internal Revenue, (continued.)
penalty for extortion or wilful oppression under color of law,..... 238
one half to go to informer,..... 238
collectors and deputies to give receipts for all sums collected, &c.,..... 238
may enter places where taxable property is kept, to examine, &c., 238
penalty for refusal to admit, &c.,..... 238
for forcibly obstructing collector, &c., in discharge of his duties,... 238
to collect taxes, and prosecute to recover them and all fines, &c.,..... 239
fines, &c., how recoverable, and to whose use,..... 239
United States not liable to, for certain costs,..... 239
if collector is sick, &c., deputy to act,.. 238
responsibility of collector and sureties, not affected,..... 238
if collector dies, &c., deputy to act, 238, 471
deputy longest in service to act as collector, &c.,..... 238
remedy for defaults of such deputy,..... 239
swearing falsely, where oaths are required by this act, to be perjury, ... 239
punishment therefor,..... 239
revenue agents may administer oaths,.. 472
separate accounts to be kept at treasury of moneys received from each state, .. 239
of amount of each species of duty or tax,..... 239
abstract to be laid before congress annually,..... 239
commissioner, on appeal, may refund all duties illegally assessed and collected, 239
or excessive in amount,..... 239
may repay collectors, &c., sums paid by them on judgments against them officially,.....239, 240
and damages, &c., recovered against assessors, &c.,..... 240
moneys recovered on judgments to be paid to collector,..... 240
paid to satisfy judgments to be by drafts,..... 240
in cases of distraint and sale of goods and chattels, the bill of sale thereof by the officer making sale, to be conclusive evidence, &c.,..... 240
if act cannot be executed in any state at any time, it is to be put in force as soon as authority is restored,..... 240
officers under this act to assess and collect duties under direct-tax act, 240, 469, 470
and under any direct-tax act hereafter,..... 240
goods, on which duties are imposed, held with intent to defraud the revenue, to be forfeited,..... 240
materials, held for manufacture in fraud of the revenue, and tools and implements, to be forfeited,..... 240
proceedings to enforce forfeiture, to be *in rem*.,..... 240
persons having goods or materials in possession, with intent to evade the law, to be liable to penalty,..... 240, 241
goods to be seized and kept,..... 241
perishable articles may be sold,.... 241
subsequent provisions of act as to returns, fines, &c., to apply to what, &c.,..... 241

Internal Revenue, (continued.)
assessors, collectors, &c., their assistants and deputies, to be deemed "revenue officers,"..... 241
may administer oaths, &c., ... 242
perjury in taking such oaths, how punished,..... 242
persons having more than one place of business to be taxed where commissioner of internal revenue directs,.... 280
manufacturers to be taxed at the place of their manufacture,..... 281

SPIRITS, ALE, BEER, PORTER.

licenses to be granted for distilling, ... 242
application to be made and bond given,..... 242, 471
penalty and conditions of bond, 242
bond may be renewed or changed,. 242
application for license to be in writing, and to state what,..... 242, 471
penalty for false statement, 242, 243
duties on spirits in addition to license, 243, 476
on spirits, &c., in store, &c.,..... 243
to be a lien,.....243, 471, 472
no lower rates than the basis of first proof,..... 243
meaning of "first proof,"..... 243
meaning of "gallon,"..... 472
owners of stills to keep account of spirits distilled, in books, ... 243
to be open to inspection of assessors and collectors,..... 243
to render accounts to collector three times a month, ... 243, 244
to keep account of grain, &c., used for distillation,..... 244
to pay all duties, &c.,..... 244
where duty is to be paid,..... 472
brandy distilled from grapes to pay twenty-five cents a gallon,..... 244, 472
inspectors of spirits, coal-oil, tobacco, &c., to be appointed by Secretary of Treasury,..... 244
their duties and pay,..... 244
penalty for refusing to admit to premises, or obstructing in discharge of duty,..... 244
to inspect, gauge, prove, and mark spirits, &c.,..... 244
inspectors' fees to be paid by owner of spirits,..... 244
penalty for attempting to evade duties by changing marks,.....244, 472
on inspector, for fraudulent marking, 244
for using marked casks, to sell spirits of a different quality,..... 244, 245
owners of distillery may erect warehouse for bonded warehouse,..... 245
distilled spirits to be stored therein, 245
duty thereon, when to be paid, 245
spirits, coal-oil, naphtha, &c., after being inspected and marked, may be removed without payment of duty, 245, 472
transportation bonds, or other security, to be executed,..... 245
to be removed from one bonded warehouse to another,..... 245
to be inspected again on arrival, and duty paid on any deficiency, &c., 245
drawback not to be allowed, &c.,... 245
may be withdrawn, after payment of duty,..... 245

Internal Revenue, (continued.)
or removed, without payment of duty for export,.....245, 472
entries in books of distiller to be verified three times each month by oath, 246
form of oath,.....246
oath where original entries are not made by owner,..... 246
duties on beer, ale, porter, and other fermented liquors,..... 246
when and by whom to be paid,.... 246
fractional parts of barrels, &c., ... 246
in bottles, &c.,..... 246
owners of breweries making fermented liquors, to enter in books, amounts of materials used, and of beer, &c., produced,..... 246, 247
books to be open to inspection of assessors, collectors, &c.,..... 247
to render accounts monthly to assessors, ... 247
accounts to be verified by oath,.... 247
penalty for not making returns, ... 472
to pay duties at time of rendering accounts,..... 247
provision where person manufactures in one district and has a warehouse in another,..... 247
where a person has more than one place of business, ... 280
manufacturers to pay tax where place of business is located,..... 284
entries in books to be verified on oath,.. 247
form of oath,..... 247
oath where original entries are not made by owner,..... 247, 248
penalty on owner, &c., for not making true entry, &c., ... 248
stills, liquors, &c., to be forfeited,.. 248
collector may seize stills, &c., ... 248
proceedings to enforce forfeiture, .. 248
to be in nature of a proceeding *in rem*, ... 248
if duties on spirits, ale, &c., are not paid in time, ten per cent. additional to be charged,..... 248
penalty on person licensed, for not furnishing account, &c.,..... 248
for refusing to have his books examined,..... 248

LICENSES.

persons, firms, and corporations, not to carry on certain trades or business, unless licensed, ... 248
patent agents, &c., ... 472
licenses not to exempt persons having them from operation of state laws, 250, 251
state laws not to exempt persons from procuring license,..... 251
proceedings to procure license,.... 248, 249
applicant to register his name, &c.,..... 248
penalty for carrying on trade, &c., without license, ... 249
license to state what,..... 249
to authorize what, ... 249
to continue in force, how long, ... 249
persons doing business requiring license, to exhibit license to revenue officer, when requested, ... 249
if not, to be deemed to have no license, ... 249
if peddler refuses to produce license when requested, officer to seize horse, wagon, &c., ... 249, 472
certain persons not to be licensed as peddlers,..... 473
upon death of person licensed, executor, &c., may carry on business,..... 249, 250
upon removal, person may exercise his trade in new place, ... 250
fresh entry required in each case, ...250
where persons have more than one place of business, tax to be collected where, 280, 281
persons carrying on more than one trade, must have license for each,..... 250
any number of persons carrying on business at one place in copartnership, may act under one license,..... 251
auctioneers not to sell goods, &c., at private sale, ... 250
license as auctioneer not to authorize another to act as auctioneer, ... 250
penalty for so doing,..... 250
may sell goods of licensed dealers,. 250
judicial sales, and public sales by executors, &c., not subject to laws relating to auction sales,..... 250
licenses granted annually to
bankers,..... 251
savings banks need not have license,..... 251
wholesale dealers,..... 251
license understated to be again assessed,..... 251
retail dealers,..... 251
wholesale dealers in liquors,..... 251
retail dealers in liquors,..... 252
lottery-ticket dealers,.....252, 472
horse dealers,..... 252
no additional license for keeping livery-stable, ... 252
broker,..... 252, 472, 473
persons licensed as bankers, need not be as brokers,..... 252
pawnbrokers,..... 252
expressmen,..... 473
land-warrant brokers,..... 252
cattle brokers,..... 252
produce brokers,..... 252
commmercial brokers,..... 253
custom-house brokers,..... 253
insurance brokers, ... 473
substitute brokers, ... 473
distillers,..... 253
brewers, ... 253
rectifiers,..... 253
coal-oil distillers,..... 253
hotels, inns, taverns,..... 253, 254
steamers and vessels furnishing food or lodging to passengers must pay a license,..... 254
eating-houses, ... 254
confectioners, ... 254
claim and patent agents,..... 254
patent-right dealers,..... 254
real estate agents,..... 254
conveyancers, ... 254
intelligence-office keepers, ... 254
insurance agents, ... 254
foreign insurance agents, ... 254
auctioneers,..... 255
manufacturers, ... 255
miners,..... 472
peddlers,..... 255, 472, 473

Internal Revenue, (continued.)
apothecaries, ... 255
photographers, ... 255
tobacconists, ... 255
butchers, ... 256
theatres, museums, concert-halls, .. 255
circuses, jugglers, ... 256
bowling-alleys and billiard-rooms, .. 256
gift enterprises, ... 256
stallions and jacks, ... 256
lawyers, ... 256, 257
physicians, surgeons, dentists, ... 257
architects and civil engineers, ... 257
builders and contractors, ... 257
plumbers and gas-fitters, ... 257
assayers, ... 257
persons engaged in any other trade or business, exceeding, &c., ... 257
apothecaries, confectioners, eating-houses, tobacconists, or retail dealers, except, &c., whose gross sales do not exceed $1000 a year, not to take license, ... 257
manufacturers may sell their own articles without additional license, &c., ... 258

MANUFACTURES, ARTICLES, AND PRODUCTS.
persons, firms, or corporations, before commencing or continuing manufacture, to give to assessors a statement, 258
to make monthly returns, ... 258
form of, ... 258
duties to be paid monthly, ... 258, 473
to be a lien, ... 258
where goods are manufactured on commission, or the material is furnished by one and manufactured by another, manufacturer to pay tax and collect of owner, ... 259
tax so paid to be a lien, ... 259
if duty is not paid, articles are forfeited, ... 259
collector to take and hold possession, ... 259
subsequent proceedings, ... 259
articles when to be declared forfeited, ... 259
judgment of forfeiture, may be reviewed, ... 259
notice of seizure, to be given to commissioner, ... 260
causes for seizure and forfeiture, ... 260
sale of perishable articles, ... 260
assessors may estimate amount of manufactures, ... 260
manufacturers to render account of full amount of actual sales, ... 260
other statements in the account, ... 260
commissions and freight alone to be deducted, ... 261
manufacturers of tobacco, snuff, and cigars, to make statement, and obtain permit, besides license, ... 261, 474, 477
fee for permit, ... 261
penalty for working without, .. 261, 474
notice of change of place of manufacture to be given, ... 261
assessors to keep alphabetical lists of, ... 261, 262
manufactures of tobacco, &c., duty on, how paid, when manufactured on shares, ... 262, 477
penalty for defrauding the government, ... 262, 475

Internal Revenue, (continued.)
statements to be made of different kinds of tobacco, &c., held or owned, ... 262
annual statement, ... 262, 474
books to be kept of purchases and sales, 262, 474
copies of entries to be given assessors weekly, ... 262
duties to be immediately assessed, ... 262
to be paid within five days, ... 262
if not paid, collector to distrain for the same, &c., ... 262
proceedings in such case, ... 263
manufacturers or vendors of tin-foil to render statements, &c., ... 263
manufactured tobacco, snuff, and cigars, may be transferred to bonded warehouse, without payment of duty, ... 263
drawback not to be allowed upon, if excise duty is paid, ... 263
manufacturers of tobacco, &c., to make monthly declarations, ... 263, 474
penalty for false declarations, ... 263
penalty for selling tobacco, &c., on which duties have not been paid, ... 263, 475
for knowingly purchasing or receiving, ... 263
what manufactures exempt from duty, 263, 264
ad valorem duties to be paid by producers or manufacturers upon
candles, ... 264
mineral coals, ... 264, 475
duty on, by whom paid in cases of leases heretofore made, .. 264
oils, animal or vegetable, ... 264
illuminating gas, ... 264, 265, 475
duty may be added to price charged consumers, ... 264
coal-tar exempt, ... 264
competing gas companies to pay rate imposed on largest company, ... 265
coal illuminating oil, &c., ... 265, 475
distillers of coal-oil to be subject to provisions of this act, ... 265
naphtha, ... 265
spirits of turpentine, ... 265
ground coffee, ... 265
ground spices, ... 265
refined sugar, ... 265
brown, &c., sugar, ... 265
molasses and syrups, ... 265
confectionery, ... 266
chocolate and cocoa, ... 266
saleratus, ... 266
starch, ... 266
tobacco, ... 270
snuff, ... 270
cigars, ... 270, 271
gunpowder, ... 266, 475, 476
white lead, ... 266
oxide of zinc, ... 266
sulphate of barytes, ... 266
paints and painters' colors, ... 266
clock movements, ... 266
pins, ... 266
umbrellas and parasols, ... 266
wood-screws, ... 266
railroad, band, hoop, and sheet-iron, ... 268, 476
stoves and hollow ware, ... 268
iron castings for bridges, &c., ... 268
steel, ... 268

Internal Revenue, (continued.)
paper, ... 266
soap, ... 266, 267
salt, ... 267
pickles, ... 267
glue, gelatine, and cement, ... 266, 267
gold-leaf and gold-foil, ... 266
uncompounded chemicals, ... 267
essential oils, ... 267
bill-heads, books, &c., ... 267, 476
photographs, ... 267, 475
repairs of engines, cars, vessels, &c., ... 267, 476
steam-engines, ... 268
hulls of vessels, ... 267, 475, 476
masts, spars, and blocks, ... 267
slate and marble, ... 267
brick, tiles, &., ... 267
furniture, ... 267
mineral waters, ... 267
quicksilver, ... 268, 476, 477
copper, brass, and lead, ... 268, 269, 477
wines, ... 269
bullion, ... 271
leather and skins, ... 269, 477
wire, ... 268
varnish, ... 266
furs, ... 269
cloth, cotton or woollen, ... 269, 477
diamonds and other jewellery, ... 270
cotton, ... 270
tax to be a lien, ... 270
manufactures of cotton, wool, silk, &c., and of non-enumerated articles, ... 270, 477
newspapers, &c., boards, &c., and certain other articles, not considered manufactures under this act, ... 272
cigars, how to be packed and stamped, ... 270, 271, 475
sold without stamps to be forfeited, 271
makers to obtain permit, ... 271
penalty for making without permit, 271
to render account monthly, ... 271
bullion, gold or silver, to be stamped, 272
penalty for selling without stamp, 272
for exporting, unstamped, ... 272
duty on articles increased in value by painting, polishing, &c., ... 272
what exempt from duty, ... 273, 477
provisions as to existing contracts, ... 273

AUCTION SALES.

percentage to be paid on all sales at auction, ... 273
auctioneers to return monthly amount of sales, ... 273
return to be verified by oath, ... 273
to pay duty monthly, ... 273
penalty for delinquency in making list or payment, ... 273
sales by judicial and executive officers, &c., exempt, ... 273

BROKERS.

brokers and bankers doing business as, to pay duty on sales, ... 273, 472, 478
on contracts of sale, ... 273
penalty for selling, &c., property without license, ... 273

CARRIAGES, YACHTS, BILLIARD-TABLES, GOLD WATCHES, PIANOFORTES, OTHER MUSICAL INSTRUMENTS, AND PLATE.

duties assessed thereon in Schedule A, 274

Internal Revenue, (continued.)

SLAUGHTERED CATTLE, SWINE, AND SHEEP.

duty on, ... 274, 275
certain, exempt from duty, ... 275
returns of amounts slaughtered for sale, to be made monthly, ... 275
duties to be paid monthly, ... 275
penalty for default, ... 275
commissioner to prescribe rules, &c., ... 275

RAILROADS, STEAMBOATS, FERRY-BOATS, AND BRIDGES.

persons, &c., owning or having care of railroads, steamboats, &c., used in carrying passengers, to pay duty on gross receipts, ... 275
duty not to be charged upon certain receipts, ... 275
those having care of toll-roads, ferries, bridges, &c., to pay duty, ... 275, 276
duty may be added to rates of fare, ... 276
returns to be made and duties paid monthly, ... 277
proceedings in case of neglect or refusal, ... 277
express companies, to pay three per cent. on gross amount of business, ... 276
insurance companies, fire and marine, to pay one and a half per cent. on gross receipts of premiums, ... 276
accounts rendered to state what, ... 276
passports, five dollars to be paid for, ... 276
to whom paid and how accounted for, ... 276
telegraph companies to pay five per cent. on gross receipts, ... 276
theatres, operas, circuses, and museums, to pay two per cent. on gross receipts, 276, 277
express, insurance, and telegraph companies, and managers of theatres, &c., to make returns and pay duties monthly, ... 277
proceedings in case of neglect or refusal, ... 277

BANKS AND BANKING.

duty on deposits, ... 277
capital, ... 277
circulation, ... 278
what to be included in circulation, ... 278
average amount of circulation beyond ninety per cent. of capital, . 278
returns to be made and duties paid monthly, ... 278
branch-banks, ... 278
certain banks exempt from this duty, ...278
savings banks exempt, ... 278

LOTTERIES.

proprietors, &c., of lotteries to pay duty of five per cent. of gross receipts, 279, 472
to render under oath monthly returns of sales to assistant assessor, 279
to pay duties monthly, ... 279
penalty for default in making lists or payments, ... 279
raffles at fairs, when and how exempted from tax, ... 279
lotteries not hereby legalized, ... 279
lottery-tickets and certificates to be stamped, ... 279

Internal Revenue, (continued.)
penalty for selling without license, 279
persons purchasing from sellers without license, may recover back double the amount within three years, ... 279

ADVERTISEMENTS.

duty on receipts for advertisements inserted in any newspaper, magazine, &c., ... 280
amount of $600 of receipts, exempt from duty, ... 280
newspapers, circulating not over 2000 copies, exempt, ... 280
managers of newspapers to return under oath gross amount of receipts quarterly, ... 280
duties payable at time of such return, .. 280
penalty for neglect, fraud, &c., ... 280
if returns, &c., are not made, assistant assessor to estimate the duties, &c., .. 280
duty may be added to price of advertisements in certain cases, ... 280

INCOME DUTY.

duty on annual gains, profits, or income, if over $600 — and not over $5000, 281, 479, 480
if over $5000 and not over $10,000, 281, 479, 480
if over $10,000, ... 281, 479, 480
on income derived from United States securities, ... 281, 479, 480
on net profits of sales of real estate, 281
deductions to be made, ... 281, 479, 480
$600 from aggregate incomes of family, except, &c., ... 281
local and state taxes, ... 281
dividends on shares already assessed, 281
annual gains, how estimated, ... 281
annual deductions, how estimated, ... 281
for what year to be assessed and collected, ... 281
persons to make return of income, &c., 282
to state what, ... 282
in case of neglect or refusal, assessors to determine amount and assess the same, ... 282
assessor may increase amount of income returned, ... 282, 283
persons may make oath as to amount of income, ... 283
appeal from assistant assessor to assessor, ... 283
decision of assessor final, ... 283
duty, when payable, ... 283
penalty for delay or default in payment, ... 283
amount due to be a lien on property from which income accrues, ... 283
lien may be enforced by distraint and sale, ... 283
proceedings in such case, ... 283
certificates of sale by collector, effect of, ... 283
duty on dividends in scrip or money, .. 283
on undistributed sums added to surplus funds, ... 283
corporations to pay duty and withhold amount from dividend, ... 232, 284
lists in duplicate to be rendered assessor or assistant, ... 284

Internal Revenue, (continued.)
duty to be paid in thirty days, ... 284
penalty for default in making list, or payment, ... 284
duties on dividends of life insurance companies when to be deemed due, .. 284
banks neglecting to make additions to surplus funds every six months, to return under oath amount of profits semi-annually, ... 284
to pay duty of five per cent. on profits, ... 284
penalty for default in making list or paying duty, ... 284
railroad, &c., corporations to pay duty on amount of interest due on bonds or coupons, dividends or profits, ... 284
amount of duty may be withheld, ... 284, 285
payment of duty to discharge company from amount of dividend, &c., ... 285
returns to be in duplicate, ... 285
when to be made, ... 285
duty, when payable, ... 285
penalty for default in making returns or paying duty, ... 285
duties on incomes of those in the United States service, ... 285
amount to be withheld in paying accounts, ... 285
payments of prize money to be regarded as income from salaries, 285

LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

personal property exceeding $1000 in value, passing by will or otherwise, after death of owner, to pay duty, 285, 286
rates of duty, ... 286
what legacies, &c., exempt from duty, ... 286
duty to be a lien for twenty years, 286
list and schedules to be rendered to assessors, &c., ... 286
penalty for neglect to make lists or payments, ... 286, 287
for false schedules, ... 287
property to be sold and applied to payment of duty, ... 287
effect of deed of conveyance, ... 287
persons having papers relating to succession to show them to assessor, ... 287
penalty for refusal, ... 287

SUCCESSION TO REAL ESTATE.

provisions of law relative to duties upon successions to real estate, ...287, 291, 481
meaning of terms "real estate," "succession" and "persons" in this act, ... 287, 288
of "successor" and "predecessor," 288
what to constitute a "succession,". 288, 481
duties upon successions, ... 288
provisions for assessing and collecting, ... 288, 291

STAMP DUTIES.

laws in force at time of passage of this act to continue in force until August 1, 1864, ... 291, 481, 482
after that date, stamp duties to be levied and collected upon instrument, &c., .. 292

Internal Revenue, (continued.)
stamp duties to be paid by party making, &c., instrument, or for whose benefit it is made, ... 292
instruments not to be recorded without stamp, ... 292
record to be void, and not admissible in evidence, ... 292
stamps of equivalent value may be used, 292
except as to proprietary articles, ... 292
official instruments, documents, &c., of United States, exempt from duty, ... 292
penalty for forging or counterfeiting, &c., stamps or dies, ... 292
for counterfeiting impression of stamp or die on paper, &c., with intent, &c., ... 292
for stamping or marking paper with forged stamp or die, with intent, &c., ... 292
for uttering, or selling or attempting to do so, any paper with forged stamp or die thereon, ... 292
for using forged stamp, &c., knowingly, with intent to defraud, ... 292
for fraudulently tearing or cutting off stamp, ... 292
for wilfully removing cancelling marks from stamps, ... 292
for knowingly selling or buying, or exposing for sale, washed stamps, 292
for knowingly using washed stamps, or preparing the same for second use, ... 292
for making note or instrument, and not affixing stamp, ... 481
persons using certain stamps to cancel them, ... 293
mode of cancellation, ... 293
penalty for fraudulently using stamp without defacing it, ... 293
proprietors of proprietary articles may furnish their own stamps, ... 293
dies, &c., to be retained by commissioner, ... 293
stamps to be so affixed as to be destroyed, ... 293
forging or fraudulently using such stamps, how punished, ... 293
penalty for making, &c., bills of exchange, &c., or other instrument without stamps, with design to evade, &c., ... 293, 481
instrument, bill, or note to be void, 293
acceptors of foreign bills of exchange to place stamps thereon, ... 294
bills not to be negotiated without stamp, ... 294
penalty for paying or negotiating bill without stamp, ... 294
stamp-duty not required on powers of attorney for bounties, back pay, or pensions, ... 294
on tickets or contracts of insurance against injury while travelling, ... 294
on deposit notes of mutual insurance companies, &c., ... 294
on certificates or acknowledgments of deeds, ... 294
on indorsements of negotiable instruments, ... 294
on mortgage notes when mortgage deed is stamped, ... 294

Internal Revenue, (continued.)
stamps used to be highest of either instrument, ... 294
commissioner to sell stamps to collectors, postmasters, and others, ... 294
five per cent. commission to be deducted, ... 294
commission to proprietors of proprietary articles furnishing their own stamps, ... 294
commissioner to make allowance for stamps rendered useless, ... 294
allowance not to be made until stamps are returned, or proof made why they are not returned, 295
certain stamps may be delivered on credit, by giving security, ... 295
bonds taken as security may be put in suit, ... 295
in certain districts, stamps may be delivered collector without prepayment, ... 297
collector to decide upon application of any person, whether any instrument is chargeable with any duty, ... 295
to affix and cancel stamp, or impress thereon a special stamp, ... 295
instruments requiring to be stamped, heretofore made and not stamped, or having deficient stamp, not to be recorded or admitted in evidence without being stamped, ... 295
who may affix and cancel such stamps, ... 295, 481
such instruments, if subsequently stamped, not to be deemed invalid, ... 295, 482
powers of attorney and other documents, made in a foreign country, to be used in the United States, to pay same duty as though made here, ... 295
person to whom they are issued, or by whom used, to affix stamp, .. 295
provisions as to dies, stamps, &c., to apply, except, &c., to objects in schedule C, ... 295, 296
drugs, cosmetics, perfumery, &c., not to be sold, or prepared for sale, without a stamp, ... 296
penalty therefor, ... 296
this provision not to apply to physicians' prescriptions, &c., ... 296
penalty on makers of drugs, medicinal preparations, &c., for removing, &c., stamps, with intent to evade duties, ... 296
for selling same without stamp, ... 296
medicinal preparations, matches, cosmetics, cordials, &c., intended for exportation, may be made and removed without duty, ... 296, 297
to be made in bonded warehouses, . 296
manufacturer to give bonds, .. 296, 297
bonded warehouses may be used for what, ... 297
articles may be removed from one bonded warehouse to another, ... 297
materials imported, may be removed in original packages from shipboard, &c., to bonded warehouse, without payment of duties, ... 297
who to be deemed manufacturer of articles named in schedule C, ... 297, 482
in certain districts, stamps, &c., may be

Internal Revenue, (continued),
delivered collector, &c., without prepayment,... 297
bond may be required,... 298
regulations for safe keeping of such stamps, &c.,... 298
schedule B of stamp duties,... 298–301
agreements or contracts,... 298
bank-checks,... 298
bill of exchange and promissory notes,. 298
bill of lading,... 298
bill of sale,... 298
bond of indemnity,... 298
bond for official duty,... 299
bond of any other description,... 299
certificate of stock,... 299
of profits,... 299
of damage, &c., issued by a port warden,... 299
of deposits,... 299
of any other description,... 299
charter-party,... 299
contract, — broker's note, or memorandum of sale, &c.,... 299
conveyance,... 299
entry, for consumption,... 299
for withdrawal,... 299
insurance, life,... 299
marine, inland, and fire,... 299
lease, &c.,... 300, 482
legal documents,... 301
manifest,... 300
measurers' returns,... 300
mortgage,... 300
passage-ticket,... 300
power of attorney,... 300
probate of will,... 300
protest,... 300
receipts,... 300, 482
warehouse-receipt,... 300
writ,... 301
suits by government and criminal process exempt,... 301
stamp duties on manifests, bills of lading, and passage-tickets, not to apply to vessels plying between the United States and British Provinces,... 301
affidavits in legal proceedings, exempt from stamp duty,... 301

SCHEDULE C OF STAMP DUTIES.

medicines or preparations,... 301
perfumery, cosmetics,... 302
photographs, ambrotypes, &c.,... 302
friction-matches, cigar-lights, wax-tapers,... 302
present duty to be in force on and after September 1, 1864,... 302
playing-cards,... 302

ALLOWANCE AND DRAWBACK.

allowance and drawback on all articles on which duties have been paid, except, &c., equal to amount of duty paid, when exported,... 302, 303
how to be paid,... 303
not to be for a less amount than $10,... 303
certificates of drawback may be received in payment of duties,... 303
in the drawback upon articles manufactured exclusively of cotton, in addition to duty thereon, there shall be allowed the two cents per pound tax on cotton,... 303
penalty for fraudulently claiming, &c., drawback,... 303
repeal of former acts and parts of acts,.. 303
certain parts kept in force,... 304
for levying and collecting taxes, &c., 304
for maintaining liens or collecting fines,... 304
for completing criminal, &c., proceedings already commenced,... 304
no office vacated thereby,... 304
duty by former act continued, until duty hereby takes effect,... 304
manufactures on hand, when this act takes effect, liable to duty, and not having paid duty, to pay duty under this act,... 304
no direct tax to be assessed until congress, by another law, shall require assessment and collection of first tax not affected,... 304
commissioner authorized to make all necessary regulations under this act,. 304
where a tax or duty is imposed, but no provision made for mode or time of assessment, or collecting the same, to be determined by regulation of Secretary of Treasury,... 305
when duty on cotton is paid, bales to be marked,... 305
marks to indicate what,... 305
cotton from states in insurrection to be taxed, and the tax be collected,... 305
tax to be a lien on the cotton,... 305
cotton sold for the United States to be free of duty,... 305
foreign consuls to be exempt from income tax, when, &c.,... 305
collectors to prosecute for recovery of fines, forfeitures, and penalties,... 305
half to go to collector, &c., informing, &c.,... 305
suits to be in district or circuit courts of the United States,... 305
penalty for selling an article liable to tax, before tax is paid, with intent to evade tax,... 306
security given for such sale, unless in hands of an innocent holder, to be void,... 306
if article is paid for, any person suing therefor may recover the price, one half to his use, the other to the United States,... 306
appropriation for expenses of internal revenue act,... 306
collectors to be disbursing agents,... 306
to have no additional compensation,... 306
word "state" in this act to include "territory,"... 306
report of commissioner, to be printed,.. 400
duty on spirits in addition to licenses after January, 1865,... 420
amendment of act to provide,... 469–487
assessors to appoint assistants,... 469
pay of collectors,... 469
duties of collectors as to collection of taxes,... 469, 470
distraint and sale of goods,... 470
persons and corporations to exhibit books,... 471

Internal Revenue, (continued.)
goods distrained may be redeemed,.... 471
what exempt from distraint,..... 471
if collector dies, when deputy may act,. 471
revenue agents may administer oaths,.. 472
distiller to make application for license before distilling any spirits,..... 471
application to state what,..... 471
duties to be a lien on the spirit distilled, 471, 472
in sales of spirits, "gallon" to mean what, ... 472
duty on brandy distilled from grapes, apples, and peaches,..... 472
when duty on distilled spirits is to be paid, ... 472
penalty for fraudulently changing gauge marks, ... 472
spirits, coal-oil, &c., after inspection, may be removed to warehouse, ... 472
fees for exports,..... 472
penalty on owners, &c. of vessels for making fermented liquors, for not making returns, ... 472
if peddler refuses to produce license, assessor may seize his goods,..... 472
proceedings in case of such seizure, 472
patent agents in copartnership to pay for more than one license,..... 472
license for lottery not to issue, until, &c., 472
brokers, provisions as to license of, 472, 473
persons between 18 and 25 years of age, not to be licensed as peddlers, unless, &c., ... 473
miners' license, ... 473
license for express business, ... 473
substitute brokers' license,..... 473
to pay $10 for each substitute actually mustered into service,..... 473
certain persons not to be deemed substitute brokers,..... 473
insurance brokers' license,..... 473
duties upon manufactures to be paid monthly,..... 473
time of payment,..... 473
manufacture of tobacco, snuff, cigars, &c., to deliver to assessor true statements annually and monthly, ... 474
to keep books, &c.,..... 474
proceedings if duties are not paid,. 474
statements as to tin-foil, &c., covering manufactured tobacco,..... 474
proceedings if statements are not made,..... 474
manufactured tobacco, &c., may be transferred to bonded warehouse without payment of duty,.....474, 475
may be withdrawn for consumption or exportation,..... 475
no drawback allowed thereon,..... 475
manufactured tobacco, &c., to be inspected, &c., before used or removed, 475
fees for inspection,..... 475
penalties for fraudulent marking,.. 475
cigars manufactured to be packed in boxes,..... 475
tobacco, &c., going from manufacturer or inspector without inspection marks, &c., to be forfeited,..... 475
account of stamps to be kept,..... 475
inspector to give bond, &c.,..... 475
duty on coal, gas, sugar, gunpowder, law-blanks, photographs, hulls of vessels, sails, tents, &c.,.....475, 476

Internal Revenue, (continued.)
duties on books to be paid by the publishers,..... 476
duty on certain manufactures of iron,.. 476
on steam-engines and boilers,..... 476
duty paid on boilers to be deducted from finished engine,..... 476
duty on tanks, stills, sewing and other machines,..... 476
iron railings, gates, &c.,..... 476
quicksilver, provisions concerning, 476, 477
brass and brass nails, &c.,..... 477
leather, patent, &c.,..... 477
wines and liquors,..... 477
cloth and ready-made clothing,..... 477
manufactures of cotton,..... 477
diamonds, precious stones, jewelry,.... 477
snuff and manufactured tobacco,..... 477
cigars, packing and inspecting,.....477, 478
certain products exempt from duty,.... 478
duty on brokers' sales of bullion and coin,..... 478
no duty on certain teams and vehicles transporting silver ores,..... 478
duty upon a transportation from a port of the United States across a foreign country to a port in the United States,..... 478
no duty on certain savings banks, ... 479
income-tax, provisions concerning,..479, 480
succession to real estate, ... 481
penalty for making note, or instrument, &c., and not affixing stamp,..... 481
in case of omission by mistake, stamp may be affixed on paying penalty, 481, 482
when penalty may be remitted,..... 482
title to certain real estate not affected,.. 481
no stamp-duty required on certain papers,..... 482
matches, cigar-lights, and tapers need not be manufactured in warehouses, . 482
who to be deemed manufacturers of certain articles,..... 482
duty on receipts,... 482
where two or more sign the receipt, 482
duty on assignments of leases, ... 482
no drawback on crude petroleum, or rock-oil,..... 482, 483
nor on bullion, quicksilver, matches, cigar-lights, or tapers,..... 483
when penalty is paid without suit, or before judgment, and moiety is claimed by any person as informer,..... 483
sales of matches, cigar-lights, and tapers in unbroken packages,..... 483
gross amount of money received by collectors, &c., to be paid into treasury daily,..... 483
appropriation for expenses of collecting revenue,..... 483
collectors to act as disbursing agents without additional pay,..... 483
additional duties on certain articles, 483, 484
banks and banking associations to pay ten per cent. on notes of state banks paid out by them after July 1, 1866,.. 484
existing banks wishing to become national banks, to have preference of applications of new associations,..... 484
duty on crude petroleum or rock-oil,... 484
mode of collection, &c.,..... 484, 485
addition to railroad fares, ... 485
matches, cigar-lights, and wax-tapers — manufacture, removal, &c., of,..... 485

Internal Revenue, (continued.)
no drawback on certain, ... 485
manufacturers of tobacco, snuff, cigars, &c., to give bond, ... 485
conditions of bond, ... 485
penalty on lottery dealers, doing business without license, ... 485
managers, proprietors, &c., to keep books, ... 486
penalty for refusing inspection of books, ... 486
what shall be deemed capital of any state bank for purposes of revenue act, 486
circulation not exceeding five per cent. of capital to be exempt from taxation, ... 486
when national banking association to pay the tax, ... 486
exportation of articles under internal revenue act, ... 486
one of two collectors at any port to be designated, ... 486
officer to superintend exportation and drawback, ... 486
salary, &c., of, ... 486
duties imposed by former act, not affected hereby, ... 486
penalties, &c., incurred not remitted, ... 486
domestic goods, paying duty, may be purchased for use of government free of duty, ... 486
when this act takes effect, ... 487
commission upon raising revenue by taxation, &c., ... 487
clerks in office of commissioner of internal revenue, ... 487
franking privilege to commissioner, ...487
International Exhibitions,
at Bergen, Norway, and Oporto, Portugal, to be made known to the people of the United States, ... 572
Interpreters,
in China, Turkey, and Japan, ..137, 139, 422
with Indian tribes, ...162, 541
Invalid Pensioners,
in the United States service, not to draw pension while receiving full salary, .. 499
Invalid Pensions,
appropriations for, for 1864–65, ... 3
appropriation for, for 1865–66, ... 421
Inventors,
or their assignees, who failed to pay the final fee as required by law, may apply for patents within two years, ... 533
persons who have used the article not liable in damages, ... 533
act to apply to what cases, ... 533
Inventory,
to be made of articles in quartermasters' depots in the United States, ... 571, 572
and in possession of naval storekeepers, ... 572
Invoices,
fee for certifying, by consul-general for British North American Provinces, &c., ... 140
of foreign goods, to be made out in weights and measures of country whence imported, ... 217, 218
value of, may be increased, ... 217, 218
act to provide for verification of, ... 532, 533
consular officers may require satisfactory proof of their correctness, by oath, before certifying them to be true, or otherwise, ...533

Invoices, (continued.)
such officers to be governed by instructions or regulations given or established by Secretary of State, .. 533
Invoice Value
of goods, at time of importation, may be increased, ... 217, 218
Iowa,
post-routes established in, ...317, 523
lands granted to, to aid in constructing railroad from Sioux City to south line of State of Minnesota, ... 72
for the benefit of the McGregor Western Railroad, ... 72
if lands hereby granted have been before reserved, preëmpted, &c., lands to be given in lieu thereof, ... 73
lands not to be located more than twenty miles from lines of road, ... 73
to be applied only to purposes of road, as it progresses, ... 73
former reservations not within this act, ... 73
minimum price of lands not granted, 73
when subject to sale at private entry, .. 73
actual preëmption settlers and those under homestead law, ... 73
when state has completed ten consecutive miles of road, patents to issue for lands on either side, ... 73
governnor of state to give certificate to Secretary of Interior, ...73, 74
lands granted, not to be encumbered or disposed of, except, &c., ... 74
lands to be used only for purposes of roads, ... 73
roads to be public highways, ... 73
to be completed within ten years, 73, 74
if not, land to revert to state, ... 74
mails to be transported over, at such price as congress directs, ... 74
troops or property of the United States to be transported over, free of toll, ... 73
act amending former act granting land to, ...95–99
provisions concerning the Mississippi and Missouri Railroad Company, ...95, 98
Burlington and Missouri River Railroad Company, ... 96
Cedar Rapids and Missouri River Railroad Company, ... 96
Dubuque and Sioux City Railroad, 98
conditions of former act to apply to this, except, &c., ... 98
lands granted not to be certified until, &c., 99
to be offered for sale within three years, &c., ... 99
sale of lot numbered 1, in Fort Crawford, reservation in, ... 334
sale of other lots in, ... 334
time for completing certain land-grant railroads in, extended, ... 528
Iowas,
appropriations for the, ...166, 545
Irish National Fair,
at Chicago, released from liability for selling goods and lottery tickets without licenses or stamps, ... 412
Iron, and Manufactures of. See *Duties on Imports.*
duties on, ...203–205
provisions of revenue law as to duties upon manufactures of, ... 476
See *Internal Revenue.*

Issues of Fact,
in civil cases, in United States courts, may be tried by court, if, &c., ... 501
Italy, King of,
to name an umpire between Great Britain and the United States, if, &c., 652

J.

Jail,
in the District of Columbia, appointment, &c., of warden, ... 12, 13
warden to have exclusive supervision and control, ... 12
appropriation for salary of warden of, ... 159
appropriation for, ... 348
James, John,
payment to Charles Anderson, assignee of, ... 594
Jameson, William H.,
a credit to be allowed to, in settlement of accounts, ... 593
Japan. See *Ocean Mail-Steamship Service.*
salary of interpreters, and expenses of courts in, ... 137, 139
ocean mail-steamship service with, authorized, ... 430
salary of interpreters and expenses of court in, ... 422
"John Martin," The Steam Vessel,
register to issue to, ... 57
Johnson, John,
grant of land to, ... 693
Joint Committee on Conduct of War,
to investigate the recent attack upon Fort Pillow, ... 405
Joint Committee on Printing,
duty of, in relation to public documents, 184–186
Jones, Deborah,
pension to, ... 593
Judge-Advocate General,
and assistant, for bureau of military justice, ... 145
Judge-Advocate General, Naval,
office of, established, ... 468
Judges,
appropriation for those employed under the act concerning the suppression of the slave-trade, ... 352
Judicial Districts,
boundaries of eastern and western, in Virginia, changed and defined, ... 124
counties of Calhoun and Branch made part of eastern district of Michigan, ... 143
Judicial Expenses,
appropriations, ... 145, 161, 457
Judiciary,
appropriation for, ... 152, 157, 457
"Juniata," The
claim of Anthony Sweeting, pilot of the, to be paid, ... 591
Jurors, Grand. See *Grand Juries.*
in district and circuit courts of the United States, ... 500
Jury,
trials without, in United States courts in California and Oregon, ... 4, 5
trials by, of minor offences, &c., ... 125
challenges allowed, ... 125
Juvenile Offenders,
convicted in any court of the United States, to be confined in some house of refuge, ... 538
Secretary of Interior to contract for their subsistence, ... 538

K.

Kansas,
post-routes established in, ... 318, 525, 526
survey of public lands in, ... 349
claim of the state of, to be allowed to an amount not exceeding, &c., ... 535
secondary evidence to be received in lieu of original vouchers destroyed, .. 535
Kansas Indians,
appropriations for the, ... 166, 545
Kaskaskias,
appropriations for the, ... 180, 181, 547
"Kearsarge,"
thanks of congress to the officers and crew of the, ... 565
Keenan, James,
credit of amount of judgment against him, &c., to be allowed in settlement of accounts, ... 588
Kellogg, Mary,
pension and payment to, ... 589
Kendall, B. F.,
allowance of, in settlement of accounts, as superintendent of Indian affairs, .. 582
Kentucky,
post-routes established in, ... 318, 523
habeas corpus suspended, and martial law declared in, ... 742
martial law no longer in force in, ... 773
Key West, Florida,
appropriation for wharves, coal-depot, &c., at, ... 27, 84
port of to remain open to commerce, ... 754
Kickapoos,
appropriations for the, ... 166, 545
Kickapoo Tribe of Indians,
treaty with, of June 28, 1862, ... 623
present reservation to be surveyed, ... 623
part to be allotted in severalty, ... 623
special reservations, ... 623, 627
remainder to be sold, ... 623
census of tribe to be taken, ... 623
separate lists to be made, ... 623
assignments of lands to chiefs and others, 623
certificates to issue, and specify what, 623, 624
lands to be exempt from taxation, ... 624
those receiving certificates to relinquish rights to other lands, &c., ... 624
patents in fee simple to issue to allottees, when, &c., ... 624
their shares of credits to be set apart for them, ... 624, 629
such allottees then to become citizens of the United States, ... 624
lands then to be subject to tax, ... 624
oath of allegiance and proof, ... 624
provision for members wishing to hold their lands in common, ... 624
effect of assignment in common, ... 624
if majority desire to remove to new home, ... 624
new home to be purchased, ... 624
when and by whom, ... 624
Atchison and Pike's Peak Railroad Company may buy certain lands, ... 625
conditions of purchase, ... 625
contract or purchase, when to be null and void, ... 625, 626

Kickapoo Tribe of Indians, (continued.)
patents for lands to contain what conditions,..... 626
provision for bona fide purchasers from the railroad,..... 626
lands when purchased to become part of Kansas,..... 626
statement of amounts due and amounts received under former treaties to be made up,..... 626, 629
balance due to be paid in full,. 626, 629
dwelling-house to be erected for each head of family,..... 626, 629
to be paid from first money due Indians,..... 627, 629
certain losses sustained by Kickapoos, how to be ascertained and paid,..627, 629
not to exceed $50,000 in whole, 627, 629
provision for Kickapoos who heretofore went South,..... 627
reservation for saw and grist-mill,..... 627
investment of fund for educational purposes,..... 627
interest, how applied,..... 627
expenses of surveys to be paid by the United States,..... 627, 629
other expenses, how defrayed,..... 627
rights in present reservation ceded to the United States,..... 628
inconsistent stipulations of former treaties,..... 628
effect of rejecting any article of this treaty,..... 628
amendments,..... 628, 629
assented to,..... 629, 630
Kiowas,
appropriations for the,..... 165, 544
Kittery,
appropriation for naval hospital at,..... 26
repealed,..... 341
pay of certain officers in navy yard at,.. 410
Klamath Indians,
appropriation to enable President to conclude treaty with,..... 37
Kootenays,
appropriations for the,..... 175, 554

L.

Laboratory,
for testing, &c., medicines,..... 129
Lake Michigan,
piers may be erected in navigable waters of,..... 1
to be lighted,..... 1
Lake Superior,
grant of lands to aid in constructing railroad and telegraph from, to Puget's Sound,..... 365
Lake Winnebagoshish Bands of Chippewas in Minnesota,
treaty with, of May 7, 1864,..... 693
See *Chippewas, &c.*
Lake Winnebagoshish Indians,
appropriations for the,..... 164, 543, 560
"*La Manche*," *The French Ship*,
indemnity to the owners of,..... 577
Lamkin, Thomas,
payment to,..... 579
Lander, Jean M.,
payment to, of account due Brigadier-General F. W. Lander,..... 600
Landlord and Tenant. See *District of Columbia*.
Land-Office, General,
act prescribing terms on which exemplifications of patents shall be furnished by,..... 375
fees for, &c.,..... 375
Land-Offices,
act to regulate fees of registers and receivers in,..... 334
Land Titles,
act to quiet, within Rancho Laguna de Santos Callé, in California,..... 372
cost of additional surveys under,... 372
duty of receivers and registers under,..... 373
in California, act to expedite settlement of,..... 332
notice to be given, when plats are made of private claims,..... 332
surveys to be open to inspection,..... 332
copies of, to be sent to Washington,..... 332
commissioner of land-office to approve or disapprove,..... 332
patents for, when to issue,..... 333
provisions of section to apply to all surveys not approved, provided, &c.,.... 333
appeals from decree of approval of district court, to be to supreme court,... 333
new survey, how made,..... 333
case to be transferred to circuit court when judge of district court interested,..... 333
other cases, how transferred,..... 333
United States land-rights in San Francisco relinquished,..... 333
except to certain lands devoted to public uses,..... 334
and so as not to affect other rights,. 334
claims confirmed to be surveyed, provided, &c.,..... 334
surveyor of, to follow decree,..... 334
separate locations to be compact,... 334
repeal of act of 1860, ch. 128,..... 334
in the District of Columbia, act to quiet, in favor of parties in actual possession, 531
defective acknowledgments of deeds cured,..... 531
"*Lawful Money*,"
what to be deemed, under act to provide national currency,..... 109
Laws,
appropriation for publishing,.....148, 448
payment for copies of the Statutes at Large,..... 351
Laws and Resolutions,
superintendent of public printing to print the usual number of copies of,..... 185
additional copies of,.....185, 186
Lead,
appropriations for purchase of,.129, 461, 497
duty on,.....206, 212
Lease,
duty upon assignment of,..... 482
Leavenworth,
Pawnee and Western Railroad Company,..... 361
See *Union and Pacific Railroad*.
Leave of Absence,
pay may be continued during, under certain circumstances,..... 145
Legacies and Distributive Shares,
of personal property, provisions of internal revenue act concerning,.....285–287

Legal Tender,
cent and two-cent pieces to be, for certain sums, ... 55
treasury notes, how far,.....218, 219
interest-bearing treasury notes not to be, for redemption of circulation of banks,..... 219
three-cent piece to be for sixty cents, 517, 518
one- and two-cent coins for four cents,.. 518
Legal Tender Notes,
no additional authorized by certain acts, 425, 469

Legislative, Executive, and Judicial Expenses,
appropriations for, for years ending June 30, 1865, and June 30, 1866,.....146, 445
pay and mileage of senators,.....146, 445
pay of officers, &c., of Senate,.....146, 445
contingencies of Senate,.....146, 445
Congressional Globe,.....146, 445
reporting proceedings in Daily Globe, 146, 445
additional compensation to reporters, ...146, 445
clerks to committees, pages, horses, carryalls, ...146, 446
heating and ventilating,.....146, 446
miscellaneous,.....146, 446
pay of representatives and delegates, 146, 446
of officers, clerks, &c., of House, 146, 446
contingencies of House,.....147, 447
cartage, ...147, 447
Congressional Globe and Appendix, 147, 447
clerks to committees and temporary clerks,.....147, 447
folding documents and materials,...147, 447
fuel, lights, &c.,.....147, 447
furniture, repairs, packing-boxes,...147, 447
stationery, ...147, 447
horses, carriages, and saddle-horses,.147, 447
laborers, ...147, 447
miscellaneous, newspapers,.....147, 447
pages, and temporary mail-boys,...147, 447
reporting in Daily Globe,.....147, 447
additional compensation to reporters, ...147, 447
tiling of floor of old hall,..... 447
library of congress, pay of officers, and purchase of books,.....148, 448
complete file of selections from European periodicals relating to the rebellion, ... 148
no money to be expended until entire collection is completed and index made,..... 148
enlargement of library building,..... 448
size and plan of,..... 448
public printing, superintendent, &c., 147, 148, 447
additions to office, presses, fixtures, &c., 447
paper for public printing,.....148, 447
public binding,.....148, 447
lithographing, engraving, mapping, 148, 448
court of claims, judges, &c.,.....148, 448
attorneys, witnesses, and commissioners, 148, 448
Executive, President and Vice-President, ...148, 448
secretary, contingencies,.....148, 448
State Department,.....148, 448
incidental and contingent expenses, 148, 448
publishing laws, pamphlets, and newspapers, ...148, 448
proof-reading, packing, &c., 148, 448

Legislative, &c., Expenses, (continued.)
stationery, printing, books, maps, &c., ...148, 484
extra clerk-hire, &c.,.....148, 448
Northeast Executive Building,.....148, 448
capitalization of Scheldt dues, first annual instalment,..... 448
Treasury Department,.....149, 449
secretary and assistants, &c.,...149, 449
comptroller's offices,..149, 150, 449, 450
auditor's offices,.....149, 150, 449, 450
treasurer's office,.....149, 150, 449, 450
register's office,.....149, 150, 449, 450
solicitor's office,.....149, 150, 449, 450
commissioner of customs' office, 149, 150, 449, 450
light-house board,....149, 150, 449, 450
comptroller of the currency,...149, 150, 449, 450
temporary clerks in Treasury Department, ...150, 450
secretary may classify clerks, and assign compensation to each, 150, 450
Southeast Executive Building, 150, 151, 450, 451
Department of the Interior,.....151, 451
secretary's office,.....151, 451
general land-office,.....151, 451
commissioner of Indian affairs, 151, 451
of pensions,.....151, 451
additional clerks,.....151, 451
part may be used for piece-work,.....151, 451
travelling expenses of special agent, 151 451
contingencies,.....151, 451
office of secretary, &c.,.....151, 451
pension-office, ...151, 451
additional clerks,..... 451
commissioner of public buildings,...151, 152, 451
repairs, &c., of patent-office building,... 451
packing and distributing journals and documents, ... 451
surveyors-general and their clerks,..152, 452
rent of office, fuel, books, &c.,.152, 452
recorder of land-titles in Missouri,...152, 452
court expenses, safe-keeping of prisoners, and prosecution of crime,.....152, 452
district attorneys and marshals, 153, 452
War Department,..... 153, 452
secretary's office,.....153, 453
adjutant-general, ...153, 453
quartermaster-general,.....153, 453
paymaster-general, ...153, 453
commissary-general, ...153, 453
surgeon-general, ...153, 453
chief engineer,.....153, 453
colonel of ordnance, ...153, 453
contingent expenses in the various offices, ...153, 453
Northwest Executive Building,....153, 453
building corner of F and 17th Streets, 153, 453
building corner F and 15th Streets,.153, 453
Navy Department,.....154, 454
secretary's office,.....154, 454
bureaus,..... 454
Southwest Executive Building,....154, 455
Post-Office Department,.....154, 155, 455
contingent expenses,.....155, 455
money-order bureau,..... 455
department of agriculture,.....155, 455
commissioner and chief clerk,...155, 455

Legislative, &c., Expenses, (continued.)
statistics, experiments, &c.,.....155, 455
library and laboratory,.....155, 455
distribution of seeds,.....155, 455
superintendent of seed-room,...155, 455
plants and cuttings,.....155, 455
to be adapted to general cultivation,.....155, 455
experimental garden,..... 155
mint and branches,.....155, 156, 455, 456
New York assay-office,.....156, 455
territories, government in, 156, 157, 456, 457
Arizona,.....157, 456
Colorado, ...156, 456
Dakota,.....156, 456
Idaho,.....157, 457
Montana,..... 457
Nebraska, ...156, 457
Nevada, and state,.....156, 456
New Mexico,.....156, 456
Utah, ...156, 456
Washington, ...156, 456
Judiciary,.....157, 457
office of Attorney-General,.....157, 457
judges of supreme and district courts, ...157, 158, 457
judges of supreme and other courts of District of Columbia,.....158, 457
expenses of private land claims in California,.....157, 457
reporter,.....158, 457
district attorneys and marshals,.....158, 457
independent treasury,.....158, 457
designated depositaries and special agents, ...158, 458
contingent expenses,.....158, 458
no part, &c., to be expended for clerical services,.....158, 458
additional clerks authorized at Boston, ... 457
increase of pay to messenger and watchmen at St. Louis,..... 458
inspectors of steamboats,.....158, 161, 458
expenses of treasury notes,.....158, 458, 459
commissioners of direct taxes in insurrectionary districts,.....158, 459
contingent expenses,.....158, 459
public buildings, repairs and care of, 158, 159, 459
public grounds,.....158, 159, 459
President's house,.....159, 459
draw-keepers at bridges,.....159, 459
metropolitan police,.....159, 459
pay of, increased fifty per cent., 159, 459
expense of, how apportioned and borne, ...159, 459
tax therefor,.....159, 459
capitol police,..... 159
warden of jail,..... 159
office of treasurer of the United States reorganized,..... 159
officers and clerks employed,...159, 160
assistant treasurer,..... 159
cashier and assistant,..... 159
chief of division of issues,..... 159
of redemption,..... 159
of loans,..... 159
of accounts,..... 159
of national banks,..... 160
two principal book-keepers,..... 160
tellers and assistant tellers,..... 160
chief and other clerks, and laborers, 160
appropriation for,..... 160
twenty per cent. to be added to pay of females, watchmen, messengers, and laborers, ... 160
no salary to be increased above $1000, ... 160
late reporter of decisions to be allowed salary, ... 160
additional clerks in office of commissioner of customs,..... 160
testimony may be taken in investigating claims for steamboats, vessels, and other property lost, &c., while in the military service,.....160, 161
clerks and employees in office of assistant treasurer in New Orleans,..... 161
chief clerk may act as treasurer, when, &c.,..... 161
certain clerks in office of paymaster-general may be transferred to office of third auditor of treasury, ... 161
two additional appraisers authorized in New York,..... 161
additional clerks,..... 161
additional appropriations for inspectors of steamboats, ... 161
clerks in office of Secretary of the Treasury,..... 161
accounts of Stewart Gwynn to be adjusted, ... 458
before payment, Gwynn to assign right, &c., to the United States,..... 458
rooms for the Attorney-General,..... 459
public lands in Nevada included in surveying district of California,..... 460
salaries of the assistant secretaries of the executive departments, assistant attorney-general, and postmasters-general, 460
pay of certain inspectors of customs,... 460
no part of appropriation to be paid for constructive mileage, for any extra session of congress,..... 460
conditions to appropriation for Congressional Globe,..... 460
proceedings to be published on day subsequent,..... 460
but not more than forty columns each day, ... 460
speeches not actually delivered,.... 460
deficiency, appropriation for 1865,..... 460
third auditor's office,..... 460
stationery for Treasury Department,... 460
labor and miscellaneous for treasury building and extension, ...460, 461
collection, &c., of public revenue,..... 460
clerks in office of surveyor-general in California,..... 460
public grounds and bridges,..... 460
insane in army and navy, &c.,..... 460
new draw in navy-yard bridge,..... 460
clerks, &c., in bureau of military justice, ...460, 461
office of commissary-general,..... 460
of paymaster-general, ... 461
labor and miscellaneous in War Department,..... 461
building corner F and 17th Streets,.... 461
collection of revenue from customs,.... 461
sick and disabled seamen,..... 461
pay of physicians, &c., for Indian reservations in California,..... 461
armament, &c., of fortifications,..... 461
ordnance department and service,..... 461
national armory,..... 461
gunpowder and lead,..... 461

Legislative, &c., Expenses, (continued.)
tool and siege trains, ... 461
Forts Taylor and Jefferson, ... 461
medical hospital department, ... 461
for quartermaster's department, ... 461
cavalry and artillery horses, ... 461
transportation of army, ... 461
regular supplies, ... 461
barracks and quarters, ... 461
incidental and contingent, ... 461
military telegraph, ... 461
prisoners of war, ... 461
clothing and camp, &c., equipage, ... 461
contingencies of House of Representatives, ... 461
bureau of comptroller of the currency, .. 461
capitol police, ... 461, 462
public printing, binding, and paper, ... 462
reporters for Congressional Globe, ... 462
clerks in Denver branch mint, ... 462
branch mint at San Francisco, ... 462
Navy Department bureau of navigation, 462
nautical, &c., instruments, ... 462
books, maps, and charts, ... 462
bureau of equipment and recruiting, ... 462
fuel and transportation for navy, ... 462
equipment of vessels, ... 462
provisions and clothing, ... 462
gold medal to Cornelius Vanderbilt, ... 462
contingent fund of House of Representatives for contingent expenses, ... 462
Leppien, Elizabeth B.,
pension to, ... 600
Letter-Boxes,
penalty for wilfully injuring, &c., ... 507
Letter-Carriers,
appropriations for, ... 27, 29, 425
to be employed at such offices as the Postmaster-General shall direct, ... 339
salaries of, may be increased, ... 339
Letters and Letter-Packets. See *Postal Laws.*
not to be received on board steamships and vessels, unless regularly posted at and received from the post-office at the port, ... 506
conditions of clearance of vessels, &c., .. 506
this does not apply to letters relating to cargo, &c., ... 506
Levy Court,
of county of Washington, expenses of, how apportioned, ... 19
to appoint annually commissioners of primary schools in Washington County, D. C., ... 187
to supervise their doings, ... 191
to impose a school-tax annually, ... 188, 189
to have care of public roads and bridges, 193
to appoint county surveyor, ... 193
to issue, classify, and tax licenses for taverns, hotels, &c., and for retailing, . 194
maximum tax for, ... 194
may levy and collect the direct tax imposed by the act of 1861, ... 331
Libel,
in prosecutions, &c., for, in the District of Columbia, the truth may be given in evidence, ... 499
Liberia,
commissioner and consul-general to, 139, 424
Librarian of Congress,
to give receipt for copyright publications, &c., received, ... 540
to demand in writing of publisher copy of publication, within, &c., ... 540
Library of Congress,
appropriations for, ... 148, 448
file of European periodicals relating to the rebellion, ... 148
no money to be expended until complete, and an index, ... 148
copy of copyrighted publications to be sent to, free of expense, ... 540
"License,"
the term, to extend to all vessels lawfully engaged in coasting trade, ... 12
to steam-tugs B. F. Davidson, and W. K. Muir, ... 19
See *Commercial Intercourse.*
Licenses. See *Internal Revenue.*
for taverns, hotels, retailers, &c., in Washington County, D. C., levy court may issue and classify, ... 194
maximum tax therefor, ... 194
under internal revenue act, provisions concerning, ... 248–258
not to exempt from operation of state laws, ... 250, 251
state laws not to exempt from procuring, ... 251
officers of customs carrying into effect certain, to have $1000 a year additional pay, ... 218
Lien,
duties under internal revenue law to be a, ... 14, 243, 258, 283, 286
duties to be on property and rights of property, ... 470, 472
Lieutenant-General,
grade of, in the United States army revived, ... 11
appointment of, authorized, ... 12
pay, allowances, and staff of, ... 12
rank, pay, &c., of General Scott, not affected, ... 12
joint resolutions as to pay of staff of, 406, 417
chief of staff to, ... 500
rank, pay, and allowances of, ... 500
Life-Boats and Apparatus,
appropriations for, ... 346
Light-House Board,
appropriations for the, ... 149, 150
Light-House Establishment,
appropriations for, ... 26, 345, 346
Light-Houses
on coasts of California, Oregon, and Washington, ... 346
Lights. See *Collision,*
to be carried by vessels, ... 58, 60
Limitations of Actions,
time during which persons are beyond legal process by reason of resistance to the laws, &c., not to make part of time limited for bringing actions, ... 123
Lincoln, Abraham,
day for funeral ceremonies of, at Washington, ... 755
day of humiliation and mourning appointed for the death of, ... 756
Lisk, Andrew,
payment to, ... 579
Lithographing,
appropriations for, ... 25, 148, 424
transfer of balances, ... 26
where probable cost will be over, $250 to be awarded to lowest and best bidder, 186
immediate contracts may be made when public exigency requires, ... 186

Litters,
horse and mule, when furnished in lieu of ambulances, ... 20
Loan. See *Bonds.*
of $200,000,000, authorized, ... 13
coupon on registered bonds to be issued therefor, ... 13
interest not to exceed six per cent., 13
redeemable in not less than five, and payable in not more than forty years, ... 13
exempt from state and municipal taxation, ... 13
principal and interest payable in coin, .. 13
appropriation for expenses of, ... 13
five-twenty bonds may be issued to subscribers, ... 13
of $400,000,000 authorized, ...218–222
Secretary of Treasury may borrow $600,000,000, and issue bonds or treasury notes therefor, ... 468
bonds to be not less than $50, ... 468
redeemable in not less than five, nor more than forty years, ... 468
treasury notes convertible into bonds, .. 468
denominations, and when redeemable, ... 468
interest on bonds and treasury notes, when payable, ... 468
principal and interest payable in coin or other lawful money, ... 468
interest in coin not to exceed six per cent., 468
not in coin, not to exceed 7 3–10th per cent, ... 468
bonds authorized by former act may be issued in the form allowed by this act, 468
any treasury notes or interest-bearing obligations convertible into these bonds, ... 468
such bonds not to be part of this $600,000,000, ... 468
bonds or other obligations, how may be disposed of, ...468, 469
treasury notes may be issued to pay for materials and supplies, ... 469
mode of proceeding in such case, ... 469
bonds and other obligations exempt from taxation, ... 469
penalties of former acts against counterfeiting, &c., notes and bonds made applicable thereto, ... 469
no legal-tender notes authorized by this act, ... 469
appropriation for expenses of this act, .. 469
Lotteries,
provisions of internal revenue act concerning, ...279, 472, 485, 486
not legalized, ... 279
Louisiana,
act authorizing issue of patents for locations in the Las Ormegas and La Nana grants in, ... 326
not entitled to representation in electoral college, ... 567
Lovell's Island,
sea-wall on, ... 354
Loyal Masters,
to have certificate and bounty for drafted slaves, ... 11
compensation for services of their slaves who volunteer, ... 11
Lucifer Matches,
duty upon, and provisions of revenue law concerning, ... 482, 483
Lunatics,
guardians of committees of, may act in District of Columbia, ... 18, 19
payments made to, to be a discharge, &c., 19
provision as to pay of officers in the government hospital for the insane, .. 348
Lynn, David,
payment to, ... 579
Lyon, Emily A.,
pension to, ... 594
Lyons,
salary of consul at, ... 139

M.

Machinery,
for navy, appropriation for, ... 81
certain to be free of duty, ... 216
flax and hemp and steam agricultural, to be imported free, ... 444
Mackerel Fishery,
certain provisions of law relating to the cod fishery to apply to, ... 535
Madison, James,
edition of five hundred copies of papers of, to be published, ... 573
Magazines,
appropriations, for naval, ... 83, 84, 465
Mail-Bags,
appropriation to test Solomon Andrews's new mode of fastening, ... 574
Mail Matter,
certain articles of clothing may be transmitted to soldiers by mail, ... 2
rate of postage and prepayment, ... 2
Mail Pouches or Boxes,
of Marshal Smith's patent may be bought for postal service, ... 574
Mails,
act to provide for carrying between the United States and foreign ports, ... 36
vessels belonging to citizens of the United States to carry and deliver the mails, ... 36
compensation to be such as allowed by law, ... 36
upon entry of vessel, master to make oath as to delivery of mails, ... 36
penalty for failing to make oath, ... 36
contracts for conveying by Panama or Nicaragua route, ... 36
limit to expenditure, ... 36
apportionment, if more than one company carries the mails, ... 36
contracts for carrying in steamships between ports of the United States, ... 37
appropriation for, and for such service on Pacific Coast, ... 37
Postmaster-General may suspend operation of law authorizing conveying letters otherwise than in mails, ... 37
penalty for placing words "United States mail," &c., on a coach or vessel not used to carry the mail, ... 37
for advertising such coach or vessel, 37
one half of fine to go to person informing and prosecuting, ... 37
color to be no disqualification for carrying the, ... 515
Mail Service,
appropriations for the, ...29, 30, 425
Mail-Steamship Service,
with China and Japan, ... 430
See *Ocean Mail-Steamship Service.*

Mail-Steamship Service, (continued.)
to foreign ports, how may be paid,..... 506
if by American vessel, ... 506
if by foreign vessel,..... 506
letters not to be received on board vessel, unless posted, &c.,..... 506
Maine,
post-roads established in,..... 523
Makahs,
appropriations for the,..... 173, 551
Manchester,
salary of consul at,..... 139
Manslaughter,
punishment of, in the District of Columbia,..... 421
Manufactures, Articles, and Products,
specific and ad valorem duty on under the internal revenue law,..... 258, 273
See *Internal Revenue*,
Manufactures of Cotton,
import duty on,..... 491, 492
Mapping,
appropriations for, ... 26, 448
Marble,
duty on, ... 214
floor to be constructed in the old hall of the House of Representatives,..... 347
statuary to be placed there, ... 347
Mare Island,
appropriations for navy yard and magazine at,..... 82, 83, 84
salary of constructing engineer at,..... 84
pay of paymaster's clerk at, not altered, 92
Marine Barracks,
appropriations for,..... 82, 464
Marine Corps. See *Navy*.
persons enlisted into, to be credited to quota,..... 2
appropriation for the,..... 82
persons in military service may be transferred to the marine corps,..... 342
enlistments in, to be credited to town, &c.,..... 342
bounty to those enlisting,..... 342
officers of the, may be advanced in rank for gallantry and heroism, ... 424
may be promoted though grade is full,.. 424
appropriation for the,..... 464
Marine Hospital
and grounds, at Chicago, may be sold, . 142
proceeds to to be applied to purchase a better site,..... 142
possession to be retained until,..... 142
Marine Hospitals,
appropriations for,..... 25, 83
Mariners,
complaints against, for minor offences, to be tried summarily,..... 124, 125
Mariposa Big-Tree Grove,
grant of, to California,..... 325
Maroney, Alexander,
gratuity to,..... 598
copy of act granting, to be sent to,..... 598
Marquette and Ontonagon Railroad,
time for completion of, between Marquette and Ontonagon extended,..137, 409
resolution explanatory of act concerning,..... 409
lands granted to Michigan to aid in completion of,..... 520, 521
Marriage,
proof of, under pension act, of colored soldiers,..... 389
Married Women,
acknowledgment by, of deeds executed by husband, to bar claim for dower in the District of Columbia,..... 532
form of acknowledgment of deeds by,.. 532
Marshal,
United States, for District of Columbia, fees and emoluments of,..... 195, 196
for the district of Nevada, pay, &c., of,.. 440
for the district of Oregon, pay, &c., of,. 440
Marshals,
appropriations for the,..... 158, 457
of the United States, maximum compensation of,..... 196
pay of, under act for suppression of the slave-trade,..... 352
Martial Law,
all rebels and insurgents, their aiders and abettors, to be subject to,..... 730
in Kentucky, proclaimed, ... 743
declared to be no longer in force, .. 773
Maryland,
post-routes established in, ... 318, 525
Masonic Hall Association of the District of Columbia,
act of incorporation of, ... 55
powers and duties of corporation,.... 55, 57
Masters
of vessels, complaint against for minor offences to be tried summarily,.. 124, 125
Matches,
duties on,..... 302, 482, 485
provisions of revenue law concerning,. 302, 485
when to take effect,..... 302, 485
Matchett, Rev. W. B.,
account of, as chaplain, to be adjusted and money paid,..... 589
Mates,
acting masters' mates to be so called,... 539
how may be rated, ... 539
Matrons in the Hospitals,
compensation of, to be increased,..... 416
McConnell, John C.,
payment to, for raising troops in Maryland,..... 586
Meade, Major-General George G.,
thanks of congress to,..... 401
Medals of Honor,
appropriation for,..... 85
Medical Department, Army,
appropriations for,..... 82, 129, 497, 464
Medical Directors,
of armies in the field and of military departments, rank, pay, &c., of,..... 437
of an army corps, &c., rank, pay, &c., of,..... 438
rank and pay, how long to continue,... 438
assignments to such duties to be two thirds from volunteers,..... 438
Medical Museum,
for army, appropriation for,..... 129
Medicine and Surgery,
appropriation for bureau of,..... 82, 464
Medicines,
instruments and dressings, appropriations for,..... 128
or preparations, provisions of internal revenue law concerning,..... 296, 301
Members of Congress,
not to receive pay for services in any matter where the United States is a party,..... 123
penalty for so doing;..... 123

Memphis,
additional inspectors of steamboats at,.. 120
pay and duties of,..... 120
Menasha Land District,
certain lands in Stockbridge, Wisconsin, to form part of,..... 531
may be sold, &c., ... 531
Menomonees,
appropriations for the,....164, 166, 544, 545
Merchants' Exchange, New York City,
notice to owners, of the intention of the United States to purchase the same,. 567
Meteorological Observations,
appropriation for taking and recording,. 129
Metropolitan Police,
appropriations for,.....159, 459
pay of, to be increased fifty per cent.,...159, 459
expense of, how apportioned and borne,..... 159, 459
tax may be levied therefor,..... 159, 459
Metropolitan Railroad Company,
act to incorporate, in District of Columbia,..... 326, 331
time for completing portion of road extended,..... 426
portion of road to be finished in thirty days,..... 426
location of, changed, ... 536
rates of fare,..... 536
use, &c., of road subject to municipal regulations,..... 536
capital stock increased,..... 536
payment therefor,..... 536
stock may be sold in default, &c.,.. 536
time of completing road extended,..... 537
package-tickets, price of,..... 537
color not to exclude persons from cars,. 537
Miamies,
appropriations for the,.....166, 167, 546
Michigan,
Indian service in,..... 179, 558
post-routes established in,.....318, 523
amendment of former act granting land to, for railroad,.....119
location of road changed,..... 119
limit of selection of lands,..... 119
time not to be extended,..... 119
lands granted, how only to be disposed of,..... 119
land granted for wagon-roads for military and postal purposes,.....140, 141
routes of roads,..... 140
lands, how to be applied and disposed of, ... 140, 141
rights of way granted,..... 141
wagon-roads, how to be constructed,... 141
to be public highways free of toll and charges,..... 14
to be completed in five years,..... 141
counties of Calhoun and Branch made part of eastern judicial district of,... 143
grant of the right to locate, &c., ship-canal, &c., through "The Portage,". 519
limit to grant,..... 519
width and depth of canal,..... 519
grant of 200,000 acres of public lands to aid in building ship-canal,..... 520
how and where to be selected,.... 520
to be made from odd numbers, and not from lands designated as mineral,..... 520
lands granted to be subject to disposal by the state,..... 520
Michigan (continued.)
canal to be a public highway, and free from toll to vessels of, or employed by, the United States,..... 520
route of canal to be established before lands are disposed of,..... 520
lands granted to revert to the United States, unless canal is completed in two years,..... 520
account of sales of lands, and of expenditures upon canal, to be kept,..... 520
when state has been reimbursed, tolls to be only such as will pay the expenses of the canal,..... 520
additional lands granted to, to aid in the construction of certain railroads,..520–522
lands how to be selected and disposed of,..... 521–522
time for completing certain of said railroads extended,.....521, 522
each road to grade twenty miles in two years, and twenty miles each year thereafter,..... 522
lands to revert to the United States, unless conditions of grant are complied with,..... 522
time for completing certain railroad in, extended, ... 530
time for reversion to the United States of lands granted to, for construction of railroad from Pere Marquette to Flint, extended for five years,..... 569
Michigan City,
made a port of delivery,..... 445
annexed to collection district of Chicago,..... 445
surveyor of customs at, pay, &c.,..... 445
Michigan City Harbor Company,
use of government piers at Michigan City granted to,..... 445
Michilimackinac,
additional inspectors authorized at, ... 198
Middle Oregon Indians,
appropriations for the,..... 175, 554
Midshipmen,
none to be appointed from districts not represented in congress..... 466
pay of, after academic examination and before promotion to grade of ensign, . 539
Mileage, &c.,
of army officers, appropriation for..... 128
no payment for constructive, allowed for any extra session of congress,..... 460
Military Academy,
appropriations for, for years ending June 30, 1865, and June 30, 1866,..... 38, 467
to be applied only to cadets regularly appointed,..... 39, 467
enlisted men employed at, may have extra-duty pay, ... 39, 467
pay of cadets after July 1, 1863,.... 39, 467
cadets found deficient at examination not to be continued at academy, or reappointed, unless, &c.,..... 39, 467
professors of, may be absent, &c.,..... 416
Military Asylum,
established, ... 509
See *National Military and Naval Asylum*.
Military Justice,
bureau of, established,..... 145
See *Bureau of Military Justice*.
Military Wagon-Road,
to Lake Superior, grant of land to Wisconsin for, ... 183

Military Wagon-Road, (continued.)
route of road,..... 183
how to be constructed,..... 184
to be public highway, free of toll,..... 183
lands, how applied,..... 183, 184
See *Wisconsin*.
Militia,
one hundred thousand called out, to serve for six months,..... 733
three hundred thousand called for,..... 747
five hundred thousand called for,..... 748
Mille Lac Reservation,
ceded to the United States, except, &c., 693
clearing of land on,..... 694
houses for chiefs of bands,..... 694
Miller, Major Morris S.,
to be credited with about $37,000, ... 589
Mills,
in Indian country, not to be disturbed,. 682
Mills, Rachel,
pension to,..... 601
Milwaukie,
certain territory, waters, &c., added to collection district of,..... 134
Milwaukie and Rock River Canal Company,
allowances to be made to,..... 413
Mineral Lands,
grant of public lands to states or corporations, not to include, ... 567
Miners,
license to, &c.,..... 473
Mines,
in Indian country, not to be disturbed,. 682
Mining Titles,
possessory trials for,..... 441
Ministers,
appropriations for pay, &c., of, ... 137, 422
Minnesota,
Indian service in, ... 179, 558
post-routes established in,.....319, 524
lands granted to, to aid in constructing railroad from Saint Paul to Lake Superior,..... 64
if lands hereby granted have been before reserved, preëmpted, &c., other lands to be given in lieu thereof,..... 64
lands not to be located more than twenty miles from lines of road, ... 64
to be applied only to purposes of road, as it progresses, ... 64
not to be used for roads that have before had grants,..... 64
former reservations not within this act, ... 64
minimum price of lands not granted, ... 64
when state has completed twenty consecutive miles of road, patents to issue for lands on either side, ... 65
governor of state to give certificate to Secretary of Interior,..... 65
lands granted, when not to be subject to preëmption, &c.,..... 65
right of way granted to road over public lands,..... 65
width of roadway,..... 65
lands to be used only for purposes of road, ... 65
road to be a public highway,..... 65
to be completed within eight years, 65
mails to be transported over, at such price as congress directs, ... 65
certain railroads, hereafter constructed, may connect with this, ... 65
Minnesota, (continued.)
grant of lands to, for road from St. Paul to southern line of state,..... 74
lands to be selected within twenty miles of line of road, ... 74
conditions of grant,..... 74
appropriation for costs, charges, and expenses in suppressing Indian hostilities,..... 350, 351
such sums only to be paid as are allowed by accounting officers,.. 351
additional land-grant to, to aid in completing certain railroads,..... 526, 527
lands granted to be located within twenty miles of line of road and branches, 526
lands heretofore reserved excepted from this act, except, &c.,..... 526
lands granted to the state for railroads included in this grant to be deducted, 526
remaining lands not to be sold for less than double minimum price, ... 526
to be first offered at public sale,..... 526
bona fide settlers may purchase at increased minimum price, .. 526, 527
settlers under homestead act may have patents for not over 80 acres each, ... 527
lands granted to be disposed of by legislature of Minnesota, ... 527
mode of disposing of them,..... 527
patents to issue from time to time as portions of road are built,.... 527
not to be disposed of for certain roads, 527
nor except as patented under this act, ... 527
existing rights not interfered with,. 527
lands to revert to the United States when, &c.,..... 527
to be withdrawn from market as soon as maps are filed, ...527, 528
railroads to be public highways, free of toll to the United States, ... 527
mails to be transported,..... 528
price to be determined by congress, 528
until established by law, Postmaster-General to fix rate of compensation, 528
"Minnie Williams," The Schooner,
American register to issue to,.....570
Minor Offences,
against the laws of the United States, summary trial of,.....124, 125
Minors,
persons under eighteen entitled to discharge from military service, if, &c.,.. 10
persons under sixteen to be discharged, 380
guardians of, may act in District of Columbia,..... 16, 17
effect of payments made to,..... 19
enlistments of, punished, ... 489, 490
mustering into service, ... 490
Mint and Branches,
appropriations for the,.....155, 158, 455, 456
Mississippi,
not entitled to representation in electoral college,..... 567
provisional governor appointed for, ... 761
the United States to help,..... 762
convention, qualification of electors, &c., 762
Mississippi and Missouri Railroad Company,
may change location of part of line,...95, 96
route of new line.....95, 96
lands to be conveyed to,..... 96
limits of selection,..... 96
may assign lands granted, if, &c.,..... 98

Mississippi River,
navy yard on, or on its tributaries, ... 323
Missouri,
certain school lands in township forty-five north, &c., granted to,..... 132
certain entries of land in, under graduation act, confirmed,..... 143
lands to be paid for,..... 143
post-routes established in,..... 319
Missourias,
appropriation for the,.....167, 168
Missouri, Department of,
appropriation for pay, bounty, &c., of men in,..... 1, 2
Mixed Bloods,
preference given to, as laborers,..... 695
Modoc Indians,
appropriation to enable President to conclude treaty with,..... 37
"Mohawk," Steamer,
joint resolution, authorizing issue of register to, provided, &c.,..... 404
Mohuache Band
of Utah Indians may settle upon reservations of Tabeguache bands,..... 674
Molallas,
appropriations for the,..... 172, 551
Molasses. See *Duties on Imports.*
duty on,..... 202
Molels,
appropriations for the,.....175, 554
Money-Order Bureau,
appropriations for the,..... 455
Money-Order Offices. See *Money Orders.*
Postmaster-General to establish, &c.,... 76
accounts of, to be kept separate,..... 78
Money Orders,
postmaster at money-order offices to issue, ... 76
to whom order is payable, ... 76
not to be issued until amount and fees are first received, ... 76
penalty for violation of this rule,.. 76
not valid, unless drawn on a printed or engraved form,..... 76
applications for, to be signed, filed, and preserved,..... 76
not to be issued for less than $1, nor more than $30, ... 76
fees for,..... 76
may be changed, when, &c.,..... 76
amount paid for, to be repaid, if order is returned,..... 76
fees not to be repaid,..... 76
to be presented for payment in ninety days, ... 76
new order may be issued, if new fees are paid,.....76, 77
duplicate order to issue in case of loss, 77
loser to make oath,..... 77
second fee to be paid, ... 77
payee of money order may indorse it to another, ... 77
indorsee may receive money upon proof, &c., ... 77
only one indorsement permitted, ... 77
holder to apply for a new order,... 77
pay to postmasters for issuing money orders,..... 77
subject to provisions of law, ... 77
postmasters issuing and paying money orders to execute new bonds,..... 77
payments and transfers of funds to meet orders,.....77, 78
Money Orders, (continued.)
postmasters to account for transfers and payments,..... 77
auditor to settle accounts of postmasters, 78
accounts of money-order offices to be kept separate,..... 78
dues to the United States to be collected, 78
moneys received from sale of, to be deemed moneys of the United States, 78
what shall be deemed embezzlement, and penalty therefor,..... 78
certified transcript to be evidence of receipt of money, ... 78
penalty for forging, &c.,..... 78
for altering, ... 79
for knowingly uttering forged, ... 79
superintendent of money-order system to be appointed,..... 79
clerks to, and their salary,..... 79
additional clerks, and appropriations,..... 79
Money-Order System,
appropriations, &c., for 1865 to be used for 1866, ... 506
deputy postmasters may deposit, &c.,... 506
certain expenses of, to be paid from proceeds,..... 505
"Monitor," the Steamer,
pay of petty officers and crew of the,.... 85
Montana,
territory of, established, ...85, 92
boundaries,..... 86
territory may be divided, boundaries changed, &c.,..... 86
rights of Indians preserved, ... 86
Indian territory excepted out of boundaries,..... 86
executive power,..... 86
governor, term of office, salary,. 86, 90
to be superintendent of Indian affairs,..... 86
veto-power of,..... 88
secretary, term of office, duty, salary,..... 86, 87, 90
to act as governor in case, &c., 87
legislative power,..... 87, 88
legislative assembly to consist of council and house of representatives,..... 87
council; number, term, and qualification of members,..... 87, 88
house; number, term, &c., of members, 87
apportionment for members of council and house, ... 87
census to be taken prior to first election, 87
first election, plurality to elect,..... 87
first meeting of legislative assembly,. 87, 91
subsequent meetings,..... 87, 91
length of sessions,..... 87
voters at first elections, and qualifications for office,..... 87, 88
at subsequent elections,..... 88
extent and limits of legislative power,.. 88
slavery not to exist therein,..... 88
township, district, and county officers,.. 88
members of assembly not to hold certain offices,..... 88
who not to be members of assembly or office-holders in the territory, ... 88
judicial power vested in what,..... 88
jurisdiction of courts to be limited by law, ... 89
supreme court, judges, &c., of,..... 88
district courts, judges, &c., of,..... 88
probate courts and justices of the peace,. 89

Montana, (continued.)
chancery and common-law jurisdiction, 89
clerks of courts and register in chancery, and their fees,..... 89
writs of error and appeals to supreme court,..... 89
habeas corpus, &c.,..... 89
attorney, fees and salary,..... 89
marshal, fees and salary,..... 89
surveyor-general, compensation and allowances,..... 89
certain officers to be appointed by the President,..... 90
oath of executive, judicial, and civil officers,..... 90
pay of members and officers of legislative assembly,..... 90
assembly to have but one session, unless, &c.,..... 90
to make annual appropriations,.... 90
moneys, how disbursed and expended, 90, 91
disbursing officers to give security, 91
seat of government, how established and changed,..... 91
delegate in congress, election, &c., of,.. 91
school lands,..... 91
judicial districts, assembly may alter, and assign judges,..... 91
treaties with the Indians to be observed, 91
existing agencies and superintendencies to be continued,..... 92
survey of public lands in,..... 350
with Dakota, to constitute one surveyor-general's district,..... 353
territorial government in,..... 457
construction of wagon-roads in, authorized, ... 516, 517
appropriation for,..... 517
post-roads established in,..... 522
Indian service in,..... 559
Montano, Stephen G.,
payment to,..... 95, 141
Morris, Emily W.,
pension to,..... 597
Morris, Harriet,
pension to,..... 597
Mortgage
of vessel not to be recorded, unless acknowledged,..... 519
Mowry, George,
payment to,..... 594
"*Muir*," *the Steam-Tug W. K.*,
enrolment and license granted to,..... 593
Murphy, Richard G.,
payment to, for services in removal of Sioux Indians, ... 583
for money paid on false vouchers,.. 586
Murray, George W.,
pension to,..... 593
"*Musicians*,"
the word, how to be construed in act increasing pay of soldiers,..... 416
Mutilated Bonds
and notes of the United States, new ones may be substituted for, ... 220

N.

Names of Vessels. See *Vessels.*
act to punish fraud in,..... 63, 64
National Armory,
manufacture of arms at,..... 129
repairs, improvements, and new machinery at, ... 129
National Currency,
act to provide,..... 99–118
See *Banking Associations.*
National Forces,
the President may call for such number of men as the public exigencies require, 6
quota of towns, cities, wards, &c., how determined,..... 6
persons in naval service to be reckoned, ... 6
draft to be made, if quota is not filled by volunteers,..... 6
to be made from time to time, until quota is filled,..... 6
volunteers enlisting after draft is ordered, but before it is made,..... 6
substitutes, what and by whom may be furnished, and for how long,..... 6
drafted persons may furnish,..... 6
who may be employed as,..... 6
persons furnishing, to be how long exempt,..... 6
commutation money, payment of, to exempt from draft, only in filling that quota,..... 7
and in no case for more than a year, 7
enrolment to include what persons,.... 7, 9
names of what persons to be stricken from list,..... 7
exempts from enrolment,..... 8
seamen, if drafted, may enlist in naval service,..... 7
time, mode, and term of enlistment, 7
mariners in military service may enlist in navy,..... 7
rules and regulations,..... 7
number not to exceed ten thousand, 7
bounty money to be deducted from prize money, ... 7
enlisted seamen to be credited to towns, &c., on their quota, ... 7
enlistments hereafter into naval service or marine corps, to be credited, &c.,.. 8
persons enrolled to be included in one class, ... 8
penalty for forcibly resisting, &c., enrolment,..... 8
or persons employed therein,..... 8
offenders liable to be punished under state law,..... 8
additional surgeons to examine drafted men,..... 8
their duties,..... 8
examinations of drafted men, when and where to be held,..... 8, 9
witnesses for government before provost-marshals, boards of enrolment, &c., 9
may be compelled to attend without payment of fees, ... 9
fees for attendance and travel,..... 9
drafted men may have process for, but not mileage,..... 9
penalty for perjury before provost-marshal, &c.,..... 9
copies of record of provost-marshal, &c., to be evidence,..... 9
penalty for falsely certifying,..... 9
persons conscientiously opposed to bearing arms, if drafted, how to be treated, 9
evidence as to scruples,..... 9
persons of foreign birth, who have voted, not exempt from draft,..... 9
claims for exemption to be verified by oath, unless, &c.,..... 9

National Forces, (continued.)
exemptions obtained by fraud, to be void,... 10
person exempted to be deemed a deserter,... 10
person in service under eighteen, to be discharged,... 10
bounty, &c., to be refunded,... 10
penalty for procuring false report from surgeon of board, &c.,... 10
fees for making papers for exemption from draft,... 10
physicians to have none,... 10
penalty for demanding or receiving more,... 10
who not to be employed in procuring substitutes,... 10
penalty for violation,... 10
certain colored persons may be enrolled and form part of national forces,... 11
slaves of loyal masters, if drafted, master to have certificate and slave to be free,... 11
bounty to go to master,... 11
commission to determine compensation to loyal masters,... 11
colored persons, drafted, enlisted, &c., to be credited on quotas, but not assigned as state troops,... 11
to be mustered as United States colored troops,... 11
penalty upon surgeon for receiving money, &c., for making false report, 11
upon members of board of enrolment for illegally discharging drafted persons,... 11
words "precinct" and "election district," how construed,... 11
repeal of inconsistent provisions,... 11
act further to regulate and provide for the enrolling and calling out,... 379
President may call for any number of volunteers, for one, two, or three years,... 379
volunteers, how to be credited,... 379
bounty to, for different terms of service,... 379
how paid in case of death, &c., 379
President shall order draft for one year, where quota is not filled in sixty days after call,... 379
no commutation to release from,... 379
recruiting by executives of any state allowed in states declared in rebellion, except, &c.,... 379
organization of drafted men,... 379
discharge of minors by Secretary of War, 380
persons under sixteen, &c., to be discharged,... 380
penalty for knowingly enlisting, &c., 380
draft to be for 100 per cent. more than quota,... 380
transportation to and from place of rendezvous,... 380
certain persons in naval service, &c., to be credited to, &c.,... 380
persons absent when drafted to be notified,... 380
not to be deemed deserter until, &c.,... 380
act of 1864, ch. 13, § 17, not altered,... 380
substitutes may be furnished,... 380
act amending several acts passed for enrolling and calling out the,... 487

National Humiliation and Prayer,
resolution requesting the President to appoint a day of,... 415
day of, appointed,... 744
National Military and Naval Asylum,
for the relief of the totally disabled men of the volunteer forces of the United States, incorporated,... 509
number of corporators, powers, &c.,... 509
directors, officers, quorum,... 509
site for military asylum, buildings,... 509
certain fines, forfeitures, and stoppages to go to support asylum,... 510
donations, how to be received and held,... 510
site for naval asylum, buildings, &c., .. 510
not to be selected until, &c.,... 510
officers of asylum,... 510
who entitled to benefits of asylum,... 510
inmates subject to articles of war,... 510
persons entitled to pensions becoming inmates, to assign pensions,... 510
directors to report annually,... 510
treasurer's accounts,... 510
National Thanksgiving,
appointed,... 749
National Union Insurance Company,
of Washington, D. C., incorporated, 428,429
capital stock, value of shares, how called in,... 428
who may be members of the company,. 428
common seal and general powers,... 428
directors and officers,... 428
first meeting and other meetings,... 428
appointment of officers and agents,... 428
by-laws,... 429
what may be insured against,... 429
policies, premiums, profits,... 429
transfer of stock,... 429
charter may be altered or repealed,... 429
Nautical Almanac,
appropriations for American,... 85, 466
Nautical, &c., Instruments,
appropriations for, for navy,... 81, 462, 463
Navajoe Indians,
appropriation to settle,... 323
to extend reservation of,... 323
Naval Academy,
appropriations for,... 24, 84, 466
students, when examined for admission, to be between 14 and 18 years of age,. 39
no money to be applied to support of midshipmen, unless regularly appointed,. 84
mileage of visitors to,... 84
additional professors at, authorized,... 85
to be returned to Annapolis,... 85
Naval Asylum,
appropriations for,... 85, 509
See *National Military and Naval Asylum*.
Naval Asylum, Philadelphia,
enlarged accommodations for,... 466, 467
Naval Constructors and Steam Engineers,
act to authorize Secretary of Navy to provide for education of, and of steam engineers,... 393
cadet engineers,... 393
appointment of,... 393
age of,... 393
examination of,... 393
may be admitted to naval academy, 393
length of course,... 393
Naval Courts-Martial,
fees for record in any case not to exceed $200,... 468

Naval Hospital,
provision of law to establish, at Kittery, Maine, repealed,..... 341
in Washington, D. C., remainder of square 948 may be bought for,..... 467
Naval Hospitals and Asylums,
appropriations for,..... 26, 509
Naval Judge-Advocate General,
office of, established,..... 468
Naval Observatory,
appropriation for,..... 84
law requiring the superintendent of, to be a captain, commander, or lieutenant in the navy, repealed,..... 533, 534
navy officer acting as superintendent to receive only shore-duty pay of his grade,..... 534
Naval Officer,
office of, at Salem and Beverly, abolished, 444
Naval Pension Fund,
money belonging to, how to be invested,..... 414, 415
Naval Service,
persons enlisting into, entitled to bounty,..... 342
certain persons in, to be credited to quota of towns, &c.,..... 342, 380
act for relief of seamen, borne on books of vessels lost or wrecked in,..... 389
day of loss, when to be deemed to be,..... 389
accounts of petty officers, how settled,..... 390
compensation for personal effects,.. 390
payment, when to be made to widow, &c.,..... 390
law allowing transfer of persons from military service to, repealed,.... 119, 402
Naval Station,
on Western waters, site for, to be selected,..... 323
commission to be appointed,..... 323
on Mississippi River, expenses of commission to select site for,..... 466
Naval Storekeepers,
inventory to be made of articles in possession of the,..... 572
Naval Supplies,
certain bids for, &c., may be rejected, when above market price, &c.,..... 394
Navigation, Bureau of,
appropriation for office of,..... 81, 462, 493
Navy,
line officers upon active list, and other naval officers, not to be promoted, unless after examination as to mental, moral, and professional fitness,..... 53
board of examiners, appointment, power, &c.,..... 53
of whom to consist,..... 53
officers interested may be present, if they desire,..... 53
their statements and testimony of witnesses to be recorded,..... 53
record to be presented to President, 53
no officer to be promoted unless shown by examination to be physically qualified,..... 53
officers examined and not recommended for promotion, to be placed upon retired list,..... 53
certain officers not recommended for promotion, may present themselves for examination,.....53, 54
Navy, (continued.)
if found qualified, may be promoted,..... 54
officers may be advanced, not over thirty numbers, for distinguished conduct in battle, &c.,..... 54
fleet paymasters and fleet engineers may be appointed,..... 54
retired pay of surgeons, paymasters, engineers, and other staff officers,..... 54
certain officers in, not to be retired, unless, &c.,..... 183
act to provide for efficiency of,..... 342
persons in military service, how transferred to,..... 342
seamen, drafted into military service, may be transferred to,..... 342
enlistments in, how credited,..... 342
persons enlisting in, to receive same bounty as in army,..... 342
repeal of resolution relating to, passed 24th February, 1864,..... 342
act prescribing punishment for enticing or aiding persons to desert from service in,..... 343
act giving assimilated rank to certain warrant officers in,..... 373
officers, how called,..... 373
additional clerks, in department of,.... 373
expenses of confinement of persons on board of captured vessels, how paid,. 373
grade of vice-admiral established in,.... 420
officers of the, may be advanced in rank for gallantry and heroism,..... 424
may be promoted, though grade is full, 424
Navy Appropriation,
for the years ending June 30, 1865, and June 30, 1866,..... 80, 462
pay, bounty, &c.,..... 80, 462, 463
repair and maintenance of vessels,.. 80, 462
completion of fast steam-screw sloops of war,..... 80
purchase, &c., of vessels for Western waters,..... 80
for naval and blockading purposes, 80
armored plated vessels,..... 80
hemp and fuel,..... 80, 463
equipment and provisions,.....80, 81, 463
construction and repair of machinery, 81, 463
surgeon's necessaries, &c.,..... 81, 463
ordnance and ordnance stores,..... 81, 463
navigation apparatus and supplies,.. 81, 463
nautical instruments, books, and charts, 81, 463
clothing,..... 81, 463
bureau of yards and docks,..... 81, 462, 463
of equipment and recruiting, 81, 462, 463
of navigation,..... 81, 462, 463
of construction and repair, 81, 462, 463
of provisions and clothing, 82, 462, 463
of medicine and surgery,..... 82, 464
of steam engineering,..... 82, 464
marine corps, barracks, and quarters, 82, 464
navy yards,..... 82, 83, 464
hospitals,..... 83, 464
magazines,..... 83, 84, 464
civil establishment at navy yards,... 84, 464
salary of constructing engineer at Mare Island,..... 84
Naval Academy,..... 84, 466
no money to be applied to support of midshipmen not appointed according to law,..... 84
mileage of visitors to,..... 84

Navy Appropriation, (continued.)
to be returned to Annapolis, ... 85
additional professors at, ... 85
wharves, depots, &c., at Key West, ... 84
naval observatory, ... 84, 466
American Nautical Almanac, ... 84, 466
naval asylum, ... 85, 466
enlarged accommodations of, ... 466
cemetery for navy and marine corps, ... 85
gratuities and medals of honor, ... 85
bounties for destruction of enemy's vessels, ... 85
photographer for ordnance bureau, .. 85, 467
pay of officers and crew of the "Monitor," lost at sea, ... 85
of the "Cairo," 85
two dry docks authorized, ... 85
application of former appropriation, ... 85
balance to enlarge sectional dock, .. 85
emergencies at the Atlantic, Gulf, and Mississippi, ... 466
no midshipmen to be appointed for district not represented in congress, ... 466
pay of officer charged with experiments in gunnery, ... 466
expenses of commission to select site for naval yard or station on the Mississippi River, &c., ... 466
Secretary of Navy may purchase remainder of square 948 in Washington for naval hospital, ... 467
bunting for army and navy need not be furnished by contract with lowest bidder, ... 467
contracts may be made for, of American manufacture, ... 467
Navy Department,
appropriations for the, ...154, 462
Navy Department Building,
portion of contingent fund may be expended for enlarging, ... 565
Navy Yard. See *Naval Station*.
on Mississippi River, expenses of commission to select site for, ... 466
appropriation for the, ... 466
Navy Yards,
appropriations for, ...24, 82, 83, 464
Nebraska Territory,
territorial government in, ...156, 456
construction of wagon-roads in, authorized, ...516, 517
appropriation for, ... 517
post-routes established in, ... 321
act enabling people of, to form a state government, and to admit the state into the Union, ... 47
inhabitants to form state government, with same name, &c., ... 47
boundaries, ... 47
voters at election to choose representatives to form convention, ...47, 48
if such voters are enlisted soldiers, when and where they may vote, . 48
who may be elected representative to convention, ... 48
apportionment of representatives, ... 48
time of first election, ... 48
time and place of meeting of convention, ... 48
authority of convention, ... 48
constitution to be republican, ... 48
to provide by irrevocable ordinance, unless, &c., that there shall be no slavery or involuntary servitude, 48
Nebraska Territory (continued.)
for religious toleration, ... 48
to disclaim all right to unappropriated public lands, ... 48
not to tax lands of the United States, ... 48
to be submitted to popular vote, ... 48
returns of votes to be made how and to whom, ... 48
if majority of legal votes is for the constitution, result to be certified to President, ... 49
President by proclamation to declare state admitted, ... 49
representative in congress, ... 49
governor and state officers, first election of, ... 49
lands to be set apart for schools, ... 49
for public buildings, ... 49
for penitentiary building, ... 49
for state university, ... 49
salt springs, with lands adjoining, ... 49
five per cent. of proceeds of sales of public lands to be applied to support of common schools, ... 49
laws of the United States made applicable, ... 49
state to constitute one judicial district, . 50
expenses of convention, ... 50
Nelson, Charles L.,
payment to, for services, ... 580
Nesbitt, George F.,
may terminate his contract with the United States, ... 583
Neutrality Act,
expenses under the, ... 424
Nevada,
appropriations for government in territory of, ... 156
Indian service in, ...179, 456, 558
post-routes established in, ...322, 522
with Idaho, to constitute one surveyor-general's district, ... 353
act enabling people of, to form a state government, and to admit the state into the Union, ... 30
inhabitants to form state government, with same name, &c., ... 30
boundaries, ... 30
voters at election to choose representatives to form convention, ... 31
if such voters are enlisted soldiers, when and where they may vote, . 31
who may be elected representative to convention, ... 31
time of first election, ... 31
time and place of meeting of convention, 31
authority of convention, ... 31
constitution to be republican, ... 31
to provide by irrevocable ordinance, unless, &c., that there shall be no slavery or involuntary servitude, ... 31
for religious toleration, ... 31
to disclaim all right to unappropriated public lands, ... 31
not to tax lands of the United States, ... 31
to be submitted to popular vote, .. 31 85
returns of votes to be made, how and to whom, ... 32
if majority of legal votes is for the constitution, result to be certified to President, ... 32

Nevada, (continued.)
President, by proclamation, to declare state admitted,..... 32
representative in congress,..... 32
governor and state officers, first election of,..... 32
lands to be set apart for schools,..... 32
for public buildings,..... 32
for penitentiary building,..... 32
five per cent. of proceeds of sales of public lands to be applied to making roads, &c.,..... 32
or to general system of irrigation,..... 32
laws of the United States made applicable,..... 32
state to constitute one judicial district,. 32
admitted into the Union as a state,..... 750
state of, made a judicial district,..... 440
attached to the tenth circuit,..... 440
judge, marshal, and attorney to be appointed,..... 440
terms of the district and circuit courts,. 440
jurisdiction of circuit and district courts, 440
pay of judge, marshal, and attorney,... 440
special sessions of circuit court,....440, 441
clerks and deputies, and their fees..... 441
limit to amount of fees,..... 441
appeals and writs of error in the supreme court of the United States,.... 441
other appeals and writs of error,..... 441
possessory actions for the recovery of mining titles not to be affected by paramount title being in the United States,..... 441
public lands in, attached to surveying district of California,..... 460
New Hampshire,
post-roads established in,..... 525
New Jersey,
post-roads established in,..... 319
New Mexico,
heirs of Luis Maria Baca may relocate certain land in,..... 125
New Mexico Territory,
appropriations for government in,...156, 456
Indian service in,.....177, 557, 558
with Arizona, to constitute one surveyor-general's district,.....352, 353
survey of public lands in,..... 349
post-roads established in,..... 525
Newport, Vermont,
made a port for exportation to the British Provinces,..... 749
News-Boys' Home,
act to incorporate,..... 99
New York,
post-routes established in,.....319, 524
Northern district of, sessions of circuit and district courts in,..... 385
two assistant local inspectors of steamboats authorized in New York,..... 514
compensation, &c., of,.....514
New York Indians,
appropriations for the,.....164, 544
Nez Perces,
appropriations for the,.....174, 553
Niagara,
additional inspectors authorized at,... 198
Nicaragua,
contracts for carrying mail matter by route of,..... 63
discriminating duties of tonnage, as respects, discontinued,..... 739
Nisquallys,
appropriations for the,.....167, 546
Non-Residents. See *Internal Revenue*.
provisions relating to taxes upon, 228, 229, 265
Norfolk,
blockade of, to cease so far that, &c.,... 751
North Carolina,
not entitled to representation in electoral college,..... 567
provisional governor appointed for,..... 760
United States to help,..... 760
convention, qualifications of electors, &c.,..... 760
Northern Pacific Railroad,
act granting lands, &c., to,..... 365
powers of, &c.,..... 366
to lay out railroad and telegraph,... 366
capital stock of,..... 366
commissioners for,..... 366
quorum of,..... 366
first meeting of,..... 366
officers of, &c.,..... 366
mode of procedure of,..... 367
right of way, &c., of,..... 367
Indian titles to be extinguished for,.... 367
grant of lands to,..... 367
mineral land excluded,..... 368
United States commissioners on,..... 368
provisions as to, ... 368
how to be constructed, &c.,..... 368
gauge, ... 368
telegraph line,..... 368
connection of other roads with,..... 369
lands on side of, how to be surveyed, &c., ... 369
lands taken by,..... 369
damages for,..... 369
appeal from assessment of,..... 369
when held by infants, &c.,..... 370
claims for, when to be made,..... 370
conditions of all land grants to,..... 370
if broken, United States may complete road,..... 370
who may subscribe to stock,..... 370
no mortgage, unless, &c.,..... 370
to be post-route and military road,..... 370
to signify acceptance, &c., of grant, &c., in writing,..... 370
directors of, to make annual report of,.. 371
president and other officers of,..... 371
regulations as to, &c.,..... 371
payment of cash assessment,..... 371
notice of,..... 371
stock to be forfeited, if, &c.,..... 371
may accept grants, &c.,..... 372
must obtain consent of state legislatures to, &c.,..... 372
bona fide subscription to, &c.,..... 372
act void, unless, &c.,..... 372
act may be altered, &c.,..... 372
North-West Executive Building,
appropriations for the,.....153, 453
Notaries Public,
in the District of Columbia, appointment, term of office, number,..... 44
to take oath and give bond,..... 44
may make demand and protest of bills and notes,..... 44
may take acknowledgments, &c.,..... 44
to keep records of official acts, except,.. 45
to have notarial seal,..... 45
seal and records not liable to be seized on execution,..... 45

Notaries Public, (continued.)
records in case of death, &c., to be placed in office of clerk of supreme court,... 45
original protest, under seal, to be evidence, ... 45
certificate, under hand and seal, to be evidence, ... 45
fees of,..... 45
penalty for taking higher fees,..... 45
Notice. See *District of Columbia.*
to determine tenancy at will,..... 383

O.

Oath,
of clerks and deputy clerks of circuit courts in California and Oregon,..... 4, 5
revenue agents may administer, in matters connected with internal revenue, 471
who may administer in proceedings before boards of enrolment,..... 491
in settlements of officers' accounts for clothing, &c.,..... 491
Oath of Office,
attorneys and counsellors in national courts to take,..... 424
oath to be filed,..... 424
falsely taking, to be perjury,..... 424
"*Obligation*,"
meaning of the word in act of June 30, 1864,..... 222
Obscene Books, Prints, &c.,
not to be admitted into the mail,..... 507
penalty for knowingly depositing such books, &c., for mailing,..... 507
Observatory, Naval,
appropriation for,..... 84
Ocean Mail-Steamship Service,
between the United States and Brazil,.. 93
monthly line of first-class sea-going steamships to be established, ... 93
route of voyage,..... 93
expenses to be divided, portion of each, 93, 94
proposals for contracts for the,.....93, 94
contracts, when to go into effect, ... 94
stipulations of,..... 94
steamships in this service to be free from port charges here, if, &c., ... 94
with China and Japan, act to authorize, 430
proposals to be advertised for, for mail-steamship service between San Francisco and China and Japan, ... 430
monthly trips, touching at Honolulu, .. 430
lowest responsible bidder to have contract for ten years,..... 430
bids to be from citizens, and what to call for,..... 430
contract, when to take effect, ... 430
construction of the vessel,..... 430
mail-agents to be transported free of expense,..... 430
deductions for failures, ... 430
fines and penalties for delays,..... 430
contract, when may be terminated, ... 430
Officers,
using soldiers as servants, not entitled to allowance,..... 127
but subject to deduction from pay, 127
in command of company, entitled to additional pay for care of clothing, &c., 127
not to be appointed to regiments in regular service reduced below minimum number, ... 488
Officers, (continued.)
dismissed by authority of the President, may apply in writing for a trial,..... 489
court-martial to be ordered,..... 489
order of dismissal to be void unless the court award dismissal or death, ... 489
and unless court is convened in six months from application, ... 489
Officers of Volunteers,
certain, now in commission, to have three months' pay when mustered out, ... 497
Official Instruments,
documents and papers used by United States officers, need not be stamped,. 292
Official Reports
of armies, copying of, for publication,.. 126
Ohio,
post-routes established in, ... 319, 524
Ohio River,
bridge across at Cincinnati, O., and Covington, Ky., made a lawful structure and post-road, ... 431
railroad bridge may be built over, at head of Falls,..... 431
height, spaces, draws, ... 431
navigation not to be interrupted thereby, 431
bridge to be a post-route,..... 431
Ohio Volunteers,
payment of 2d Regiment, 3d Brigade of, 121
Omahas,
appropriations for the,..... 167, 546
Opinions of the Attorneys-General,
to be published,..... 515
See *Attorneys-General.*
Oporto, Portugal,
international exhibition at, to be made known to the people of the United States,..... 572
Ordnance and Ordnance Stores,
appropriations for, ...23, 26, 81, 129, 495, 497
Oregon,
bona fide sales of university lands in, confirmed, ... 28
terms of federal, circuit, and district courts in,..... 4, 5
special sessions of such courts, ... 4, 5
business, &c., thereat, ... 4, 5
Indian service in,.....179, 558
post-routes established in,.....320, 529
survey of public lands in,..... 349
act making donations to settlers on public lands in, amended, ... 184
where settlement is bona fide, and claim is perfect, except that notice was not filed in time, such failure not to work forfeiture, if, &c., ... 184
intervening rights not affected,.....184
act granting land to state of, to aid in constructing military wagon-road from, &c., 355
lands to be exclusively applied in constructing such road,..... 355
lands heretofore reserved, excepted &c., ... 355
to be disposed of by legislature, ... 355
width and grade of road,..... 355
mode of disposition of lands,..... 355
land to revert, if, &c.,..... 355
branch mint in Dalles City, in,..... 383
Orphans' Court,
in District of Columbia, process of, how served,..... 194
fees for service,..... 194
Osages,
appropriations for the,..... 167, 546

Oswegatchie,
additional inspectors authorized at,..... 198
Oswego,
additional inspectors authorized at,..... 198
Otherday, John,
payment to be made to,..... 427
Ottawas,
appropriations for the,... 168, 176, 547, 555
Ottoes,
appropriations for the,.....167, 168, 547
Ottoman Empire,
treaty of commerce and navigation with, February 25, 1862,..... 609
contracting parties and plenipotentiaries, 609
privileges of former treaties confirmed, except, &c.,..... 610
rights of most favored nation,..... 610
citizens of the United States may make purchases in the Ottoman Empire,... 610
permits from local governors abolished, 610
duties on articles of Ottoman produce, purchased for consumption in Turkey, 611
on exports from either country to the other, not to be higher than, &c., 611
prohibitions not to be imposed, except, &c.,..... 611
export duty of eight per cent.,..... 611
to be reduced one per cent. annually, 612
to be at last a fixed duty of one per cent.,..... 612
import duties not to be higher than, &c., 612
not to exceed eight per cent.,.. 612, 613
no additional duty on articles sold in the country,..... 613
prohibitions, &c.,..... 612
articles for and from Moldo-Wallachia or Servia, duty on, ... 613
for and from other parts of Ottoman Empire,..... 613
rights of warehousing, bounties, drawbacks, &c.,..... 614
imports in vessels of either country, to be charged the same duty,..... 614
same rule as to exports,..... 614
tonnage, harbor, light-house, quarantine, &c., duties,..... 615
what to be deemed United States, and what Ottoman vessels,..... 615
products, &c., of the United States, passing through the Dardanelles or Bosphorus, to be free of duty,..... 615, 616
same rules as to other goods, &c., in United States vessels,..... 615, 616
transit duty to be reduced,..... 616
at end of eight years to be one per cent.,..... 616
Sublime Porte may establish measures to prevent fraud,..... 616
taxes upon, and rights of, citizens of the United States,..... 616, 617
tobacco and salt, not to be imported into Ottoman dominions,..... 617
duties upon traders in, ... 617
no export duty upon,..... 617
regulations as to exportation of,.... 617
importation of gunpowder, cannon, &c., into Ottoman Empire, may be forbidden,..... 617, 618
prohibition not to operate until official notification thereof, ... 617, 618
gunpowder, when imported, subject to stipulations,..... 618
certain, &c., exempt from stipulations,..... 618
Ottoman Empire, (continued.)
firmans to vessels passing through the Dardanelles and Bosphorus,..... 618
manifests of vessels to be deposited in custom-house,..... 618, 619
contraband goods liable to confiscation, 619
proceedings before confiscation,.... 619
subjects, vessels, and merchandise of the Ottoman Empire in the United States, to have rights of most favored nation, 619
present treaty to be substituted for convention between Sublime Porte and Great Britain,..... 619
present treaty to continue in force twenty-eight years,..... 619
notice to terminate in fourteen years, &c., ... 619, 620
to be executed in all the provinces of the Ottoman Empire,..... 620
to be construed fairly,..... 620
tariff of custom-house duties, &c., to be agreed upon,..... 620
when concluded, to remain in force seven years,..... 621
when and how may be revised,.... 621
this treaty to be ratified in three months, 621
signature, ratification, &c.,..... 621
Overland Emigration,
appropriation for protection of,..... 14
to be expended upon what routes, . 14
Overland Mail Company,
Postmaster-General may extend contract with,..... 411, 412
Overland Stage Lines,
not to be molested by Indians,..... 681

P.

Pacific Railroads. See *Union Pacific Railroad.*
failure of one company not to affect others, 359
commissioners for each of,..... 359
making of draws, ferries, bridges, &c.,.. 360
connection of other, with Union Pacific Railroad,..... 360
with Northern Pacific Railroad,.... 369
branch from Sioux City,..... 363
to pay cost of surveys,..... 365
Northern, see *Northern Pacific Railroad,*. 365
maps, profiles, &c., of surveys for, to be transferred to Department of Interior, 573
copies to be furnished without expense to the Union Pacific Railroad Company, 573
Panama,
contracts for carrying mail matter by isthmus of,..... 36
Paper,
for public printing, appropriation for, 25, 148, 417
how to be purchased,..... 572
Pardon,
granted to those in rebellion,..... 738
not to apply to those in custody,..... 741
proclamation of President Johnson offering, ... 758
classes of persons excepted from its operation,..... 759
regulations of Secretary of State,..... 759
Parkersburg,
West Virginia, made a port of delivery, ... 22
surveyor of customs to reside thereat, 22
Passamaquoddy,
additional inspectors authorized at,..... 198

Passengers. See *Steamships.*
act to regulate carriage of, in steamships,..... 390, 391, 392
Passports,
duty on,..... 276
Patent-Office Building,
appropriations for,..... 25, 451
Patents,
final fees for, not paid in time, may be paid within six months from passage of act,..... 194
persons using the invention meanwhile not to be liable in damages, 194
inventors who failed to pay final fee, may apply for, within two years,..... 533
Pawnees,
appropriations for the,..... 168, 547
Pay,
appropriation for, of the army, 126, 127, 495, 498
of colored soldiers, provisions for,.. 129
in lieu of clothing,..... 126
of non-commissioned officers and soldiers of the army, act to increase,..... 144
of non-commissioned officers and soldiers, after May 1, 1864,..... 144
army ration to remain the same,..... 144
pepper ration,..... 144
commutation value of rations not altered, 144
twenty per cent. added to that of females, messengers, laborers, &c., in government employ,..... 160
no salary increased hereby to over $1000,..... 160
of certain officers, &c., in Western Department, resolution concerning,..... 410
of clerks, &c., in navy yards at Philadelphia and Kittery,..... 410
Pay, &c., of Army,
appropriations for,..... 126, 495–498
Paymaster-General,
appropriations for office of,..... 153, 453
additional clerks in the office of,..... 27
Paymasters, Army. See *Examining Boards.*
and assistants, to be examined as to qualifications,..... 181
pay of clerks of, established,..... 145
Paymasters in the Navy,
retired pay of,..... 54
not allowed clerks, except in certain vessels,..... 92
clerks of, classified, and their pay graduated,..... 92
Peddlers,
property of, when seized, how disposed of,..... 472
certain persons not to be licensed as, unless, &c.,..... 473
Pembina,
additional inspectors authorized at,..... 198
Pembina Band
of Chippewa Indians, treaties with, 667, 673
See *Chippewa Indians.*
Penalties. See *Bonds, Internal Revenue.*
Secretary of Treasury may remit,..... 198
for fraud, &c., in prize proceedings,..... 315
for unlawfully acting as postmaster,..... 337
for unlawfully detaining or opening letters, &c.,..... 337
for secreting or destroying letters not containing valuables,..... 338
for taking valuables out of letters,..... 338
on mail-carriers, for deserting mails,... 338
for unlawful carrying of letters,.338,339
Penalties, (continued.)
for enticing, &c., persons in naval service to desert,..... 343
Penalty,
amount due informer under revenue law, how determined,..... 483
Pennsylvania,
post-routes in, established,.....320, 524
Pensacola,
blockade of, to cease so far as, &c.,..... 751
Pension Agents,
act relating to compensation of,..... 325
Pensions, to
Accardi, Mary Scales,..... 595
Allen, Isaac,..... 581
Ames, Julia A.,..... 580
Baker, Mary A.,..... 599
Berry, Eliza,..... 600
Booth, Thomas,..... 600
Burns, John L.,..... 577
Darling, Ezekiel,..... 600
Gates, Horace,..... 586
Hann, Mrs. C. A.,..... 583
Harrison, Rebecca S.,..... 597
Hoffman, Ida,..... 583
Jones, Deborah,..... 593
Kellogg, Mary,..... 589
Leppien, Elizabeth B.,..... 600
Lyon, Emily A.,..... 594
Mills, Rachel,..... 601
Morris, Emily W.,..... 597
Morris, Harriet,..... 597
Murray, George W.,..... 593
Pott, Charles M.,..... 594
Schreiner, George A.,..... 596
Shircliff, Mary,..... 597
Skaggs, Martha Jane,..... 585
Stafford, Margaret M.,..... 580
Taylor, Sophia Brooke,..... 598
Whipple, Ellen M.,..... 599
Wolcott, Rhoda,..... 581
Woodbridge, Eliza Cass,..... 585
Pensions,
appropriations for, for 1864–65, and 1865–66,.....3, 421
of surviving soldiers of the Revolution increased,..... 39
to chaplains in the regular and volunteer service,..... 46
to widows and children of certain deceased chaplains,..... 46
appropriation for office of commissioner of,..... 151
act supplementary to act to grant,..... 387
biennial examination, persons receiving, how made,..... 387
fees for, to surgeons, to be refunded, 387
declarations of claimants of, to be made before court of record, provided, &c.,. 387
repeal of § 12 of act of 1862, ch. 12,.... 387
clerks to investigate suspected frauds, &c., 387
to those who have lost both feet, hands, or eyes,..... 387
claims for, on file, must be prosecuted within three years,..... 388
to widows, to terminate on remarriage, &c.,..... 388
examining surgeons may be required to make special examinations,..... 388
board of,..... 388
pay of,..... 388
for volunteers not regularly enlisted,... 388
or those injured in fighting rebels or Indians, &c.,..... 388

Pensions, (continued.)
widows, &c., of, ... 388
claims, when to be prosecuted, ... 388
persons who die while claim is prosecuting, ... 388
enlisted soldiers, though not mustered in, to have, ... 388
widows, &c., of, ... 389
fees of agents of, &c., not to exceed ten dollars, ... 389
penalty for receiving more, ... 389
widows of colored soldiers, &c., what proof of marriage of, &c., ... 389
provisos as to, ... 389
deficiency, appropriation for, ... 421
act supplementary to acts relating to, .. 499
invalid pensioners in the United States service, not to draw pensions while receiving full salary, ... 499
acting assistant or contract surgeons, if disabled, &c., entitled to pensions, ... 499
those losing one foot and one hand, to have $20 a month, ... 499
widow or children of certain officers, &c., to have pension, &c., ... 499
where pension has been paid to widow, child to have pension after death or marriage of widow, 499, 500
Peorias,
appropriations for the, ... 180, 181, 547
Pepper,
ration of, to be furnished, ... 144
Perfumery,
duties on, ... 302
Perishable Articles. See *Internal Revenue*.
provisions for sale of, under internal revenue law, ... 260
Perjury,
by attorneys and counsellors falsely taking oath, ... 424
Perkins, John,
deed of certain land in Washington, to be given to, ... 200
Personal Effects and Baggage,
to be free of duty, ... 218
Peru,
convention with, of December 20, 1862, . 635
claims upon, for capture, &c., of the "Lizzie Thompson" and "Georgiana," to be referred, ... 635
King of Belgium to be arbiter, ... 636
to decide law and fact, ... 636
to be properly solicited to act, ... 636
papers to be submitted to him within six months, ... 636
decision of arbiter to be final, ... 637
ratifications, when to be exchanged, ... 637
signature, &c., ... 637
convention with, of January 12, 1863, .. 639
claims of both parties to be submitted to a mixed commission, ... 639, 640
commission, of whom to consist, ... 640
appointment, vacancies, &c., ... 640
commissioners to name an umpire, ... 640
to meet in Lima within three months, ... 640
to take and subscribe an oath, ... 640
oath of umpire, ... 641
to examine claims without delay, .. 641
mode of procedure, papers, ... 641
rules of business, ... 641
decision of, to be final, ... 641, 642
agreement of three to give effect to decisions, ... 641
Peru, (continued.)
to conclude labors in six months, .. 642
decision of umpire in pending cases to be within thirty days after, ... 642
expenses of, how borne and paid, .. 642
each party to execute decree of commission without appeal, ... 641, 642
payments, how made, ... 641
interest, ... 642
secretary to commission, ... 642
ratifications, when to be exchanged, ... 643
signature, ratifications, &c., ... 643
Peruvian Citizens,
payment of claims of, and interest, under convention with Peru, ... 95, 141
Peters, William H.,
certain payments made by, legalized, for benefit of Edward C. Doran, ... 575, 576
Petroleum,
import duty on, ... 493
provisions of revenue law concerning, 482–484
mode of collection of tax upon, ... 484
Petroleum and Illuminating Oils,
duty on, ... 213
inspectors of, to be appointed, ... 244
provisions of revenue law concerning, .. 244, 245, 253
Phelps, John S.,
accounts to be settled and balance paid to, 590
Philadelphia,
pay of certain clerks in navy yard in, .. 410
port of entry and delivery for district of, how bounded, ... 431
Philosophical Apparatus,
and instruments for colleges, duty on, .. 217
Photographer,
for ordnance bureau of navy, ... 85
Photographing,
notes in similitude of United States notes, how punished, ... 222
Photographs,
duties on, ... 302
Photographs and Negatives,
may be copyrighted, ... 540
Piankeshaws,
appropriations for the, ... 180, 181, 547
Pilbean, George W.,
payment to, ... 579
Pillager Bands,
appropriations for the, ... 164, 543, 560
Pillager Bands of Chippewas in Minnesota,
treaty with, of May 7, 1864, ... 693
See *Chippewas, &c.*
Pillar Boxes,
penalty for wilfully injuring, &c., ... 507
Pillow, Fort,
examination into the rumored slaughter of Union troops in the recent attack upon, ... 405
Pilotage. See *Belgium*.
fees for, in Belgian ports to be reduced, 648
not to be increased, ... 648
Pilots,
of steamboats, fee for license, ... 120
of ferry-boats, tug-boats, &c., subject to inspection, to be classified and licensed, 120
Pitcher, Charles A.,
damages to be paid to, ... 598
Plants and Cuttings,
propagation and distribution of, ... 155
to be such as are adapted to general cultivation, ... 155

Plattsburgh,
established as principal port of entry,.. 119
Playing-Cards,
duties on,..... 302
Point San Quintin,
in California, granted to state, for use of state prison,.....194, 195
Pokagomin Lake Reservation,
ceded to the United States,..... 693
clearing of lands on,..... 694
house for chiefs of bands,..... 694
Pokatello,
boundary of country of,..... 663
Poncas,
appropriations for the,..... 172, 551
Port Dues. See *Belgium.*
levied by the city of Antwerp, to be reduced,..... 648
cannot be again increased,.....656, 660
Porter, Admiral David D.,
thanks of congress to,..... 404
Porter, Rear-Admiral David D.,
and the officers, seamen, and marines under his command, thanks of congress to, for capture of Fort Fisher,.. 566
the President requested to communicate this resolution,.....567
Portland and Falmouth,
additional inspectors authorized at, ... 198
Portland, Maine,
appraiser and assistant appraiser may be appointed at,..... 46
pay of, and of deputy collectors, ... 47
Portland, Oregon,
additional inspectors of steamboats at,.. 120
pay and duties of,..... 120
Port of Entry and Delivery,
for district of Philadelphia, boundaries of, 431
Port Orford,
collection district of, abolished,..... 125
Port Royal,
appropriation for wharf, &c., at,..... 24
Ports of Delivery,
act to make Portland, in Oregon, and Leavenworth, in Kansas, ... 342
surveyors authorized at,..... 342
Parkersburg, West Virginia, made a,.. 22
Ports of Entry,
certain closed, in certain states and parts of states lately in rebellion,.....753, 754
reopened,..... 757
Postage,
on articles of clothing transmitted to soldiers by mail,..... 2
on mail matter between Kansas and California, ... 36, 421, 422
proviso as to newspapers and franked matter, ... 36, 37
certain official communications to be sent free, without indorsement,..... 95
on foreign letters, rates of,..... 337
but not to interfere with treaties,.. 337
stamps for, when may be sold at discount, 337
envelopes, stamped for,..... 337
on returned letters, bearing request to be returned,..... 337
penalty for neglecting to pay,..... 337
Postage-Stamps. See *Postage.*
Postal Laws,
relating to village of Deposit in New York, ... 324
act relating to, ... 504–507
domestic letters unpaid, except, &c., to be sent to dead-letter office,..... 504, 505
Postal Laws, (continued.)
part-paid letters to be forwarded,..... 505
unpaid rate to be collected on delivery, ... 505
postmasters suffering losses by armed forces, to be relieved,..... 505
allowances to certain officers for rent, stationery, &c., ... 505
certain expenses of money-order business to be paid from proceeds,..... 505
pay for advertised letters,..... 505
salary and travel of special agents in Pacific States, ... 505
additional special agent for Pacific States, 505
two additional special agents for railway mail-service, ... 506
special agents to be allowed for travelling, &c., expenses,..... 505
post-route maps may be prepared and published,..... 505
clerks in railway post-offices, pay, &c.,. 506
mail-service by steamship to foreign ports, &c., how may be paid,..... 506
letters, &c., unless regularly posted at post-office of port, not to be received by steamship, &c., ... 506
collector may require certain conditions of clearance, ... 506
this not to apply to letters, &c., relating to cargo of vessel, &c.,..... 506
deputy postmasters may deposit in certain national banks and negotiate drafts, ... 506
appropriations for money-order system for 1865 to supply deficiencies for 1866,..... 506
wilful injury to letter or pillar boxes, how punished,..... 506, 507
penalty upon clerks in post-office for unlawfully removing stamps from letters, ... 507
publication of advertisements for proposals for carrying the mails,..... 507
delivery of mail matter from post-offices,..... 507
system of free delivery to be established, when, &c., ... 507
postage on drop-letters, ... 507
obscene books not to be admitted into mails,..... 507
penalty for knowingly depositing for mailing, ... 507
Postal Money-Order System,
act to establish,..... 76
superintendent, &c., of, to be appointed, 79
See *Money Orders.*
Postmaster-General,
to prescribe rules for conveyance of certain articles of clothing to soldiers by mail, ... 2
may contract for carrying mail matter by Panama or Nicaragua,..... 36
for carrying mails by steamships between ports of the United States,..... 37
may suspend law authorizing conveyance of letters otherwise than in the mails, ... 37
may credit postmasters robbed by guerillas, with amount of stamps taken,. 62
to determine price to be paid for transportation of mails over railroads for whose aid public lands have been granted, ... 65, 74

Postmaster-General, (continued.)
may act in establishing direct mail communication with Brazil, ... 93, 94
to establish certain salaries of postmasters, ... 335
duty of, under the act establishing a postal money-order system, ... 76, 79
to establish compensation of several classes of postmasters, ... 335
to make estimates for certain offices, 335
to review and readjust, every two years, ... 336
to allow for office-rent, &c., at New York, 336
to designate distributing, &c., offices, .. 337
compensation for, ... 337
when to sell stamps, &c., at discount, .. 337
to direct for disposal of certain dead letters, ... 339
to increase salaries of letter-carriers, &c., at discretion, &c., not exceeding, &c., 339
to advertise for proposals for mail-steamship sea service, ... 430
to appoint certain clerks, ... 515
Postmasters,
act to establish salaries of, ... 335
to have salaries in lieu of commissions, 335
to be divided, excepting New York, into five classes, ... 335
salaries of, ... 335
of New York to have $6000, ... 335
what offices to be rated of each class, .. 335
estimates of certain offices to adjust salaries of, ... 335, 336
salaries to be readjusted every two years, ... 336
when to take effect, provided, &c., ... 336
allowances to, office-rent, &c., ... 336
may have extra compensation at separating and distributing offices, where, &c., ... 337
to account for postage, box-rents, &c., .. 337
penalty on persons acting as, without authority of Postmaster-General, ... 337
robbed by guerillas, without fault of their own, of stamps, &c., to be credited with the amount, ... 62
amount, if paid, to be refunded, ... 62
at money-order offices, duty, pay, and new bond of, ... 76, 78
losses of loyal, occasioned by armed forces, to be allowed them, ... 505
Post-Office Building and Post-Offices,
appropriations for, ... 25
Post-Office Clerks and Employees,
penalty upon, for wilfully and unlawfully removing postage-stamps from letters, 507
See *Postal Laws*.
Post-Office Department,
appropriations for the, ... 29, 154, 155, 425
transportation of mails, ... 29, 425
ship, steamboat, and way-letters, 29, 425
postmasters and clerks, ... 29, 425
wrapping-paper, twine, office stamps, ... 29, 30, 425
blank agents, furniture, advertising, &c., ... 30, 425
postage-stamps and stamped envelopes, ... 30, 425
mail-bags, locks and keys, ... 30, 425
foreign balances, ... 30, 426
deficiency appropriations, if necessary, ... 30
miscellaneous, ... 426
foreign mail transportation, ... 426
Post-Office Department, (continued.)
dead letters with valuable enclosures, &c., 339
to be registered, ... 339
if cannot be delivered, contents how disposed of, ... 339
amount of, to be annually reported, ... 339
subject to be reclaimed within four years, ... 339
other dead letters deemed valuable, how disposed of, ... 339
letter-carriers to be employed, where, &c., ... 339
salaries of, ... 339
expenses of, how entered and reported, ... 339
branch-offices, receiving-boxes, &c., expenses of, how entered and reported, .. 339
repeal of acts relating to, of 1863, ch. 71, §§ 8, 11, 14, 17, 18, ... 339
special agent in Pacific States, pay of, .. 339
act to correct clerical error in act relating to, passed 30th June, 1864, ... 382
collection of debts due from postmasters, mail-contractors, and other officers of, 432, 433
warrant of attachment of property of delinquents or defaulters, to issue, ... 433
against those in rebellion, ... 433
against non-residents, and those who have left a district with intent, &c., ... 433
against those who have conveyed or removed their property or are about to do so, with intent, &c., .. 433
proceedings where property has been removed, ... 433
alias warrants may issue, when, &c., ... 433
validity of first warrant to continue, how long, ... 433
warrant, how applied for, issued, and executed, ... 433
ownership of property attached, how determined, ... 433
trial by jury, may be waived, ... 433
other remedies not impaired, ... 433
proceeds of sales of attached property, how invested, ... 433
publication of attachment, ... 434
after publication, persons having property of defendants, or indebted to them, to account therefor, ... 434
disposal of such property void, ... 434
personal notice, when to be given, ... 434
warrant, how may be discharged, ... 434
bond to be given for return of property, 434
fees, costs, and expenses, ... 434
other rights of the United States not limited by this act, ... 434
special agent for, in Pacific States, salary and travelling expenses of, ... 505
additional agent authorized, ... 505
two additional special agents for railway mail-service, ... 505
allowance to special agents for travelling expenses, ... 505
clerks in railway post-offices, ... 506
chief clerk authorized in offices of each of the three assistant postmasters-general, ... 515
salary of, ... 515
additional permanent clerks in lieu of temporary clerks, ... 515
appropriations therefor, ... 515, 516

Post-Office Department, (continued.)
appropriation for temporary clerks, ... 516
unclaimed money from dead letters and sales of waste paper to be deposited,.. 516
wilfully neglecting to deposit, how punished,..... 516
Post-Offices,
allowance of certain, for furniture, stationery, printing, &c.,..... 505
Post Roads,
bridge across the Ohio River at Cincinnati, O., and Covington, Ky., made a, 431
certain established in
Arizona T.,..... 321, 525
California,..... 316, 522
Colorado,..... 321
Connecticut,..... 523
Dakota T.,..... 321, 525
Idaho T.,..... 321, 522–525
Illinois,..... 316, 522, 523
Indiana,..... 317, 523
Iowa,..... 317, 523
Kansas,..... 318, 525, 526
Kentucky,..... 318, 523
Maine,..... 523
Maryland,..... 318, 525
Michigan,..... 318, 523
Minnesota,..... 319, 524
Missouri,..... 319
Montana T.,..... 524
Nebraska T.,..... 321
Nevada T.,..... 322
New Hampshire,..... 525
New Jersey,..... 319
New Mexico T.,..... 525
New York,..... 319, 524
Ohio,..... 319, 524
Oregon,..... 320, 525
Pennsylvania,..... 320, 524
Utah,..... 322
Vermont,..... 320, 525
West Virginia,..... 321
Wisconsin,..... 320, 525
Post-Route,
railroad bridge across the Ohio River, above the Falls, made a,..... 431
Post-Route Maps,
may be prepared and published,... 505, 506
Potomac Ferry Company,
act to incorporate,..... 331
Pott, Charles M.,
pension to,..... 594
Pottawatomies,
appropriations for the,..... 169, 548, 560
Powell, William H.,
contract with, for picture for Capitol, .. 570
expense not to exceed $25,000, ... 570
mode of payment, ... 570
"*Precinct*,"
how to be construed in the enrolment act,..... 11
Preëmption Rights,
in lands sold for taxes in insurrectionary districts,..... 503
President of the United States,
appropriations for the,..... 148, 448
may appoint second assistant secretary of war,..... 1
may call for such number of men as the public exigencies may require,..... 6
may prescribe regulations for transfer of persons in the military service to the naval service,..... 7
may appoint a lieutenant-general,.... 11, 12

President of the United States, (continued.)
may appoint warden of jail in District of Columbia,..... 12
to appoint an additional assistant secretary of the treasury,..... 26
franking privilege of, extends to all mail matter,..... 30
to issue proclamation declaring Nevada admitted into the Union, when, &c.,.. 32
same declaration as to Colorado,... 34
same as to Nebraska,..... 49
may conclude treaty with Indians in southeastern Oregon,..... 37
to appoint commissioner to adjust claims with Ecuador, ... 38
to appoint superintendent of Indian affairs for California,..... 39, 40
and agents for each reservation,... 40
additional appraiser, &c., at Portland, Me.,..... 46
board of examining officers to examine navy officers as to fitness for promotion,..... 53
may appoint acting commanders and acting lieutenant-commanders,..... 79
to appoint and commission officers of regiment of veteran volunteer engineers,..... 80
to appoint territorial officers for the Territory of Montana,..... 86–92
comptroller of the currency,.... 99, 100
head of bureau of military justice,. 145
two additional appraisers at New York,..... 161
commissioner to investigate claims of Hudson's Bay and Puget's Sound Agricultural Company,... 195
to negotiate treaty with Indians of Middle Oregon,..... 324
to designate places for trade on Red River of the North,..... 326
to appoint commissioners, &c., for Pacific Railroad, &c.,.....359, 361, 368
to designate places of subscription for stock to,..... 356
to compensate marshals, &c., for services in suppression of slave-trade,.. 352
to grant assimilated rank to warrant officers in the navy,..... 373
may call for volunteers, &c., ... 379
shall order draft, &c., when, &c.,..... 379
to appoint commissioner of immigration, &c.,..... 385
to communicate thanks of congress to Major-General A. E. Burnside,..... 401
to cause gold medal to be struck, &c., for C. Vanderbilt,..... 402
may authorize transfer of persons from military to naval service, &c., when, &c.,..... 402
to transmit thanks to Lieutenant-Colonel Bailey, ... 408
to appoint a vice-admiral,..... 420
to cause examination to be made as to acts of friendly Sioux Indians,..... 427
to appoint 2d assistant secretary of war, 431
to make treaties with Utah Indians,.... 432
to appoint judge, &c., for eastern district of New York,..... 438
for Nevada,..... 440
to appoint a solicitor and naval judge-advocate general,..... 468
to organize regiments of volunteer engineers,..... 488

President of the United States, (continued.)
to convene court-martial to try certain dismissed officers,..... 489
to make proclamation notifying deserters to return,..... 491
to appoint chief of staff to lieutenant-general, ... 500
to cause patents to issue for lands sold for direct taxes in insurrectionary districts, ... 501
to appoint a commissioner of freedmen and refugees,..... 508
and assistant commissioners,..... 508
to appoint local inspectors of steamboats, 514
President's House,
appropriations for,.....159, 459
President's Message,
and documents, when and how to be printed, ... 185
number of copies, and how distributed, ... 185
Presque Isle,
district and port of, to be known as Erie, 54
Primary Schools,
commissioners of, in Washington County, D. C., to be appointed,..... 187
their powers and duties,..... 187–193
Printing,
joint resolution to provide for the, of official military reports,..... 405
official reports of United States armies, and documents relating to the rebellion, to be printed,..... 406
number of copies, and how distributed,.....406
index to each volume,.....406
other resolutions, &c., as to, rescinded, ... 406
Printing, Public,
form and style of, to be determined by superintendent of public printing,.... 186
Prisoners,
appropriations for safe keeping of,..... 152
Prisoners of War,
supplies, transportation, &c., of,....128, 496
Prisons,
for American convicts in China, &c., 139, 424
Private Hospitals,
care of sick soldiers in,..... 128
Prize,
property, taken on inland waters, not maritime,..... 377
Prize Proceedings,
act to regulate,..... 306
duty of commanding officer of captor,.. 630
to secure, inventory, and seal up papers, &c.,..... 306
to send same to court, with written statement as to,..... 306
to send what witnesses, &c.,..... 306
in whose charge,..... 306
to what port,..... 307
if captured vessel cannot be sent in, to cause survey and appraisement to be had,..... 307
report of, to be sent to court,.. 307
property, unless taken for government use, to be sold by commanding officer,..... 307
proceeds of, where deposited,.. 307
duty of commanding officer of vessel claiming to share in prize,.... 307
to make what written statement of claims, &c.,..... 307
Prize Proceedings, (continued.)
how signed and sent,..... 307
duty of prize master,..... 307
to deliver to prize commissioner papers, &c.,..... 307
to make affidavit of what facts, 307
to report to district attorney, and give what information,.. 307
to deliver persons to marshal,.. 307
to retain prize, until process from court,..... 307
duty of district attorney,..... 307
to file libel against prize property,..... 307
to obtain warrant to marshal to take custody of,..... 307
to obtain condemnation and distribution of,..... 307
to cause preparatory evidence to be taken before commissioners, in order to,..... 307
depositions de bene esse,.. 307
to represent United States in all prize causes,..... 307
not to take private retainer or compensation from captors,..... 307
except on demand for damages between claimants and,..... 307
to examine all fees, &c., charged on prize fund,..... 307
to protect interests of United States and captors,..... 307
when prize causes are or may be pending, to send statement once in three months to Secretary of Navy of all such causes,..... 307
prize commissioners, not exceeding three, may be appointed by court,.... 307
one of, to be retired naval officer, approved by Secretary of Navy,. 307
not to receive other compensation than his pay,..... 307
to protect interests of captors and department,..... 307
one to be member of bar of court,.. 308
not less than of three years' standing, ... 308
acquainted with taking depositions,..... 308
duty of prize commissioners,..... 308
to receive papers, &c, from prize-master, ... 308
to take affidavit of, and testimony of witnesses,..... 308
separate from each other,..... 308
on interrogatories prescribed by court, ... 308
not to permit witnesses to see interrogatories, &c.,..... 308
nor to consult with counsel or interested persons, without leave of court,..... 308
to release neutral witnesses as soon as possible,..... 308
when to take depositions de bene esse of prize-crew, &c.,..... 308
to examine inventory, and report on prize property to court,..... 308
to obtain order for unlading cargo, if necessary,..... 308
from time to time to report to court on, but not to have custody of the property,..... 308
to seal secure, schedule, number,

Prize Proceedings, (continued.)
and return into court, documents, evidence, inventories, &c., ... 308
to report to Secretary of Navy, if property would be useful in war to government, ... 308
duty of marshal, ... 308
to keep all prize property, ... 308
to report what requires to be unladen, stored, or sold, ... 308
to insure, if necessary, ... 308
to keep certain witnesses until released, ... 308
to sell, when and as required by court, ... 308
to collect and deposit gross proceeds of sale, ... 308
with nearest assistant treasurer of United States, ... 308
subject to order of court, ... 308
to make full report to Secretary of Navy when required, ... 308
prize property, when may be sold, ... 308
to be sold by auctioneers, ... 308
under supervision of marshal, . 308
marshal to cause catalogues and schedules to be made, &c., ... 309
to advertise and post sales, ... 309
to notify naval prize commissioner at least five days before sale, ... 309
to be open to inspection three days before sale, ... 309
court to decide what vessels share in prize, ... 309
to order testimony to be taken to show, ... 309
how sworn to, ... 309
court to make decree of distribution, ... 309
determining what vessels share in prize, ... 309
relative force of prize, ... 309
reciting amount of gross proceeds, . 309
costs and expenses, ... 309
residue for distribution, ... 309
residue, how to be disposed of, ... 309
net proceeds of prizes, how to be distributed, ... 309
what vessels to share in distribution, ... 309
proportions of shares of prize money, .. 309
of commanding officer of fleet or squadron, ... 309
of commanding officer of division of same, ... 309
of fleet captain, ... 309
of commander of, ... 309
of others, ... 310
certain officers, when not to receive share of certain prizes, ... 310
officer temporarily absent from his ship, if on duty, not therefore to lose share, 310
to continue to share, until regularly discharged from his ship, ... 310
bounty to be paid by United States for each person on enemy's vessel destroyed by United States vessel, ... 310
amount, how determined, ... 310
how divided, ... 310
ransom money, salvage, bounty and prize money, how distributed and paid, ... 310
assignments of prize, bounty, or wages, &c., ... 310
to be void, unless, how attested, ... 310

Prize Proceedings, (continued.)
of wages, to state precise time of commencement, ... 310
commanding officer to discourage such assignments, ... 310
never to attest, until, &c., ... 310
appeals in prize causes, ... 310
to be made within thirty days after decree is rendered, ... 310
to supreme court, ... 310
may be claimed, when amount in dispute exceeds two thousand dollars, ... 311
or upon certain certificate by district judge, ... 311
what acts district court may do, after, ... 311
cases now pending in circuit courts, how and when to be transferred to supreme court, ... 311
appeals in, to be claimed and allowed as in district courts, 311
original documents, &c., may be sent up on order, in addition to, or in lieu of copies of same, in all, ... 311
costs and expenses, allowed by court in, to be a charge upon prize property, unless, &c., ... 311
payments from prize fund, when and how to be made, ... 311
on appeals, security may be required for costs, ... 311
net amount for distribution to naval vessels to be paid into United States treasury, ... 311
Treasury Department to credit Navy Department, and persons entitled to shares, ... 311
distribution to be made by court, in case of vessels not of the navy, ... 311
how and to whom made, ... 311
commissioners to make, may be appointed by court, ... 311
in case of vessels not of navy, but controlled by any department of government, to be made among ship's company, ... 312
duty of clerk of district court, ... 312
to render semi-annual statement to Secretaries of Navy and of Treasury, ... 312
to keep account of deposits, &c., with assistant treasurer in each prize cause, ... 312
of amounts of costs and charges, ... 312
of residues for distribution, ... 312
to send copies of decrees, &c., to Secretaries of Navy and of Treasury, ... 312
to draw orders for payments, ... 312
fees of, ... 312
allowances and commissions to marshal and clerks, ... 312
not to exceed, for all official services, maximum compensation allowed by act of 1853, ch. 80, § 3, . 312
except in prize cases, and then not to exceed, &c., ... 312
compensation of district attorneys and prize commissioners, except naval, ... 312
district attorney and prize commissioner, except naval, to render annual

Prize Proceedings, (continued.)
accounts of sums received in prize causes, ... 312
district attorney to retain therefrom not more than $3000, in addition, &c., ... 312
prize commissioners, except naval, each to retain therefrom not more than $3000, for all services in prize causes, 312
excess received by district attorney and prize commissioners to be paid over to naval pension fund, ... 313
commissions of auctioneers, ... 313
special counsel may be employed for captors, when, &c., ... 313
compensation to, ... 313
charged to what fund, ... 313
witness fees in, how to be paid, ... 313
prize property, when to be delivered to claimants on stipulation, &c., ... 313
when captured vessel, &c., is taken by government, before coming into custody of prize court, ... 314
how surveyed, &c., ... 314
value of, where to be then deposited, 314
if, because, &c., no part of captured property is sent in, ... 314
proceedings for adjudication to be
when and where commenced, ... 314
proceeds of, where deposited, .. 314
when captors may institute, ... 314
when other persons, if captors, delay, &c., ... 314
salvage for recaptures, ... 314
not to contravene any treaty, ... 315
no part of, to go to United States, . 315
sale of captured property, when to be transferred to another district, ... 315
when the duty of marshal, ... 315
when marshal may be required so to do, ... 315
wilful acting with intent to defraud or delay captor, or claimants, &c., how punished, ... 315
"vessels of the navy" includes what, .. 315
provisions of act to apply to all captures made as prize, &c., ... 315
repealing clause, ... 315
Proclamations by the President,
declaring rebels and insurgents and their aiders and abettors subject to martial law, and suspending the writ of habeas corpus in certain cases, ... 730
revoking exceptions in proclamation of August 16, 1861, ... 731
act admitting West Virginia as a state to be in force, ... 731
plea of alienage not to be allowed to avoid military duty in the case of certain persons, ... 732
calling for one hundred thousand militia for six months' service, from Maryland, Pennsylvania, Ohio, and West Virginia, ... 733
appointing days of national thanksgiving, praise, and prayer, ... 734, 736
suspending the privileges of the writ of habeas corpus, ... 734
permitting commercial intercourse with Alexandria, under certain restrictions, 735
calling for three hundred thousand men to serve for three years, or the war, .. 736
granting pardon to those in rebellion, upon conditions, and excepting certain persons, ... 740
Proclamations by the President, (continued.)
declaring the discontinuance of discriminating duties of tonnage and imposts, as respects vessels of Nicaragua, 739
that the blockade of Brownsville, Texas, shall cease, so far that, &c., 740
that the amnesty proclamation does not apply to persons in custody, . 741
revoking the exequatur of Charles Hunt, consul of Belgium at St. Louis, Missouri, ... 741
suspending the writ of habeas corpus and establishing martial law in Kentucky, ... 742
appointing a day of national humiliation and prayer, ... 743
declaring the opinions of the President of the United States as to the plan of restoration of the states in rebellion, .. 744
calling for five hundred thousand volunteers for the military service, and ordering draft for the quotas unfilled after fifty days. July 18, 1864, ... 747
declaring Newport, Vt., a port for exportation, ... 749
appointing a day of thanksgiving and praise, ... 750
declaring Nevada admitted into the Union, ... 750
declaring the blockade of certain ports to cease, so far that, &c., ... 751
calling for three hundred thousand volunteers, ... 751
declaring St. Albans, Vt., a port for exportation, ... 751
calling an extra session of the Senate, .. 752
ordering deserters to return to their posts, ... 752
directing that persons furnishing arms to hostile Indians, be arrested, &c., ... 753
declaring certain ports in states lately in rebellion, to be closed, as the blockade has been relaxed, ... 753, 754
declaring that the port of Key West is to remain open, ... 754
relating to reciprocal hospitalities to vessels of war, ... 755
appointing the 25th of May a day of national humiliation and mourning, .. 755
postponing the day of mourning to 1st June, ... 756
offering rewards for the arrest of Jefferson Davis and others, for conspiring to procure the murder of Abraham Lincoln, ... 756
ordering the arrest of insurgent cruisers, and declaring that hospitalities shall be refused to the public vessels of those nations showing hospitalities to such cruisers, ... 757
declaring ports formerly closed to be open, disallowing belligerent rights, and removing certain restrictions on trade, ... 757, 758
granting pardon and amnesty, except, &c., ... 758
reorganizing a constitutional government in North Carolina, ... 760
reorganizing a constitutional government in Mississippi, ... 761
declaring restrictions on trade east of the Mississippi River removed, ... 763
reorganizing a constitutional government in Georgia, ... 764

Proclamations by the President, (continued.)
reorganizing a constitutional government in Texas,... 765
reorganizing a constitutional government in Alabama,... 767
rescinding the blockade and declaring its purposes,... 768
removing all restrictions on trade,... 772
removing restrictions on trade west of the Mississippi River,... 769
reorganizing a constitutional government in South Carolina,... 770
reorganizing a constitutional government in Florida,... 771
declaring martial law no longer in force in Kentucky,... 773
appointing 7th December a day of national thanksgiving,... 773
declaring amendments to constitution ratified,... 774
Promotion,
of officers in navy and marine corps,... 424
Propagating Garden,
appropriation for,... 155
Property,
of officers and soldiers lost by capture by the enemy, to be paid for,... 182
Property of the United States,
act to retain and preserve certain, in Washington, D. C.,... 412
Proposals
for paper for public printing, how to be advertised,... 186
Proposals for carrying the Mails,
publication of advertisements for,... 507
Proprietary Articles,
provisions of internal revenue law concerning,... 293, 297, 301
Providence Hospital,
in Washington, incorporated,... 43
Provisions and Clothing,
appropriation for bureau of,... 82, 462, 464
Provost-Marshal General,
rank, pay, and emoluments of,... 54
Public Buildings,
appropriation for,... 25
appropriation for office of commissioner of,... 151, 152
Public Buildings and Grounds,
appropriations for,... 158, 159
Public Debt,
joint resolution, authorizing Secretary of Treasury to anticipate payment of interest on,... 404
Public Documents,
act to expedite and regulate the printing of,... 184
heads of departments to furnish manuscript copy of their annual reports and documents to superintendent of public printing, on or before November 1st in each year,... 184
number of copies to be printed,... 184
portions of documents to be selected for popular distribution, and indexed, 184, 186
joint committee on printing to appoint person to edit and select,... 185
Secretary of War to appoint person to edit the printing of official reports of operations of armies of the United States,.. 185
heads of departments to furnish copies of reports to superintendent of public printing, on or before third Monday in November,... 185
Public Documents, (continued.)
superintendent of public printing to print President's message, reports, and abridgment of documents,... 185
number of copies of several reports, &c.,... 185
some bound and some in paper,... 185
when to be delivered,... 185
commercial relations, how distributed,.. 185
offers and contracts for carrying the mails not to be printed, unless, &c.,.. 185
laws and resolutions to be printed,. 185, 186
number of copies,... 185, 186
to be indexed alphabetically,... 186
proposals for paper for printing to be advertised only in two papers, &c.,... 186
lithographing and engraving, costing over $250, to be awarded to lowest and best bidder,... 186
immediate contracts may be made when public exigency demands,. 186
extra copies of documents to those previously requesting and paying for them,... 186
proceeds of sales, how disposed of,. 186
papers relating to foreign affairs, additional copies of, to be printed,... 186
form and style of printing and binding,. 186
Public Instruction,
in county of Washington, D. C., act to provide for,... 187
commissioners of primary schools to be appointed,... 187
their powers and duties,... 187, 193
Public Lands,
states may accept act donating, for agricultural, &c., colleges, within two years,... 47
West Virginia to have benefit of act,... 47
in Oregon, bona fide settlers on, whose claim is perfect, except that notice was not filed in time, not to lose their lands for such failure, if, &c.,... 184
intervening rights not affected hereby,... 184
grant of, to aid in constructing railroad and telegraph from Lake Superior to Puget's Sound,... 365
minimum price may be fixed for sale of reservations of,... 374
deposits made for expenses of survey of, to be placed to what credit,... 414
grant of, to Michigan for ship-canal, 519, 520
to Michigan and Wisconsin for completing construction of certain railroads,... 520, 521
to Minnesota and Iowa for completing construction of certain railroads,... 526, 528
patents for certain, in Stockbridge, Wisconsin, to issue,... 530, 531
See *Stockbridge*.
grant of, to states or corporations not to include mineral lands,... 567
time of reversion to the United States of certain, granted to aid in the construction of railroad from Pere Marquette to Flint, extended five years,... 569
Public Printing,
appropriations for,... 25, 447
none to be done except upon requisition,... 25, 118
appropriation for,... 147, 148

Public Printing, (continued.)
duty of superintendent of, as to public documents,.....184, 186
See *Public Documents*.
joint resolution to supply, in part, deficiencies in,..... 399
joint resolution as to,..... 402
seven hundred copies of each bill to be printed,..... 402
repeal of former law as to,.... 402
Public Roads and Bridges,
in Washington County, D. C., to be under care of levy court,..... 193
time of construction of certain, extended, ... 193
certain notices need not be given, when, &c., ... 194
Public Stores,
when goods in, may be entered for consumption, and bonds be cancelled, .. 12
certain goods in, may be entered for consumption, and bonds cancelled before September 1, 1864,..... 133
duties and charges to be paid,..... 133
goods in, subject to what duty,..... 216
time for withdrawal of goods from, for exportation, extended,..... 420
Public Works,
appropriation to preserve, in harbors on Northern lakes,..... 200
on seaboard,..... 201
See *Harbors*.
Puget's Sound,
grant of land to aid in constructing railroad from Lake Superior, to,..... 365
Puget's Sound Agricultural Company,
claim of, for damages against the United States, to be investigated and determined by commissioners,.....195, 651
Purchase of Vessels,
for naval and blockading purposes,..... 80
Purchasers,
of land sold for taxes in insurrectionary districts, how put in possession,..... 501
"*Puritan*," *Floating Battery*,
contract with Ericsson for construction of, amended,..... 409
Purveying Depots,
hire of clerks and laborers in,..... 129
Puyallups,
appropriations for the,.....167, 546

Q.

Quapaws,
appropriations for the,.....169, 548
Quarantine,
storage of imports in vessels subject to, in New York,..... 419
Quartermaster's Department,
act for better organization of,.....394–398
certain divisions established in,..... 394
power of inspecting officers, &c.,... 395
heads of, to advertise for proposals for supplies,.....395, 396
supplies to be inspected, &c.,..... 396
depots for receiving, &c., in field, .. 396
when may be obtained without advertising,..... 396
monthly statements, &c., by principal quartermaster, of amount on hand, &c., to be made to quartermaster-general,..... 396
penalty for neglecting to make, 397
Quartermaster's Department, (continued.)
inspectors of horses, &c., to be sworn, 397
penalties for misconduct, &c.,.. 397
penalties for trying to corrupt, &c.,..... 397
agents, &c., subject to certain provisions, provided, &c.,..... 397
penalty on contractors, &c., for offering, &c., money, &c., to any officer, &c., in, 397
rules for purchasing vessels in, &c.,.... 397
officers of divisions to have what rank and pay, &c., ... 398
distribution of duties of, may be changed, ... 398
inspectors of,..... 398
two thirds of officers, &c., to be from volunteer service, ... 398
appropriations for,.....24, 495, 496
appropriation for regular supplies of,... 127
incidental expenses of,..... 127
Quartermaster's Depots,
inventory to be made of articles in the,. 517
Quartermaster-General,
appropriations for office of,.....23, 153, 453
additional clerks in office of,..... 27
Quartermasters
and assistants, to be examined as to qualifications, ... 181
See *Examining Boards*.
Quarters,
for army officers, &c., appropriation for, 128, 496
Quicksilver,
duty, &c., on,..... 476
import duty on,..... 493
Quillehutes,
appropriations for the,.....176, 555
Quinaielts,
appropriations for the,.....176, 555
Quotas,
of each town, ward, precinct, &c., how to be determined, ... 6
if not filled by volunteers, draft to be made, ...6, 379
seamen and persons in naval service to be credited,.....6, 7, 342, 386
colored persons enlisted or drafted, to be credited, ... 11
in computing hereafter, what credits to be given,..... 489
may be adjusted to revised enrolment,.. 488
in computing, credit to be given for men before furnished and not credited,.... 489
but not for the call of December 21, 1865,..... 489

R.

Rabbit Lake Reservation,
ceded to the United States,..... 693
clearing of lands on,..... 694
houses for chiefs of bands,..... 694
Raffles at Fairs,
for charitable, &c., purposes, may be exempt from duty,..... 279
Railroad,
Washington and Georgetown, act to amend charter of,..... 322
Railroad Iron,
additional import duty on, ... 493
Railroads,
provisions of internal revenue act concerning,.....275, 277, 284

Railroads, (continued.)
Burlington and Missouri River, authorized to change location,..... 335
in Kansas, grant of lands to state of, in aid of construction of, provided, &c.,. 339
change of certain route of, in Kansas,.. 340
grant of public lands to Minnesota, to aid in completion of,.....526–528
See *Minnesota* and *Michigan*.
time for completing certain, in Michigan, extended,..... 530
in Michigan, lands granted in aid of, 520–522
Railway Post-Offices,
clerks in, their pay, &c.,..... 506
Railways and Branches,
not to be disturbed by Indians,..... 682
Rancho Bolsa de Tomales,
in California, lines of public surveys to be extended over,..... 136
Rancho Laguna. See *Land Titles*.
de Santos Callé, land titles in,..... 372, 373
Randall, Matthew,
payment to,..... 579
Rations,
army, to be as by law of 1861,..... 144
commutation value of, not changed,.... 144
commissioned officers in field may buy on credit,..... 497
how settled for,..... 497
price of, in commutation of officers' subsistence,..... 497
Rations, Double,
to what officers only allowed,..... 488
Read, Abner,
amount due for prize money to be paid his widow,.....587
Read, Constance,
amount of prize money due Abner Read, to be paid to,..... 587
Rebellion,
certain states in, not entitled to representation in electoral college,.... 567, 568
Recaptures,
salvage for,..... 314
Receipts,
stamp-duty on,..... 482
where two or more sign same, how stamped,..... 482
Reciprocal Hospitalities
to be refused to vessels of war of certain countries,.....755, 757
Reciprocity Treaty
with Great Britain, notice to be given of intention to terminate,..... 566
Recorder of Land Titles in Missouri,
appropriation for,..... 152
Recruiting,
appropriation for, and for transportation,..... 126
in rebel states, when and how allowed,. 380
law allowing in states in rebellion, by state agents, repealed,..... 491
appropriation for,..... 495
Redemption
of lands sold for taxes in insurrectionary districts, provisions concerning,.. 502, 504
Red Lake Band
of Chippewa Indians, treaties with, 667, 689
See *Chippewa Indians*.
Red River of the North,
act to facilitate trade on,..... 326
Refugees. See *Bureau, &c.*
bureau for relief of freedmen and, established,..... 507, 508
Regents
of Smithsonian Institution, two need not be members of the National Institute, ... 420
Regiments
in regular service reduced below minimum number, not to have officers appointed to, ... 488
Register,
appropriations for office of,..... 149, 150
additional clerks in office of,..... 27
American, to issue to steamer "Mohawk," provided, &c., ... 404
Registered Bonds. See *Bonds*.
provisions for issuing, &c.,..... 218, 220
may be issued for coupon,..... 220
to be of what form, how executed, &c., ... 220
Registers. See *Vessels*.
of vessels, to express what, ... 69–72
to issue to schooners "Minnie Williams" and "E. M. Baxter,"..... 570
Registers and Receivers,
of land-offices, commissions and fees under the homestead act,..... 35
fees of, in preëmption claims,..... 35
additional fees and allowances to those in California, Oregon, Arizona, Colorado, Idaho, Nevada, New Mexico, Washington,..... 36
maximum not to exceed,..... 36
Register Tonnage,
of vessels, how ascertained, and to be what, ... 70–72
Regulars,
certain non-commissioned officers and soldiers of, may reënlist and have bounties,..... 144
Reporter of Decisions,
of supreme court,..... 158, 160, 457
Representatives' Hall,
old, to be used as national statuary hall, 347
Reservations,
may be made for Goship Indians,..... 682
several, ceded to the United States,.... 693
time of removal of Indians from,..... 695
set apart for the Chippewas, Pillager, and Lake Winnebagoshish Indians, &c.,..... 693
of public lands, how to be surveyed,... 41
act relating to sale of, of public lands,.. 374
minimum price may be fixed for sale of,.. 374
Reservations, Indian,
for provisions concerning, see *Chippewa Indians, Kickapoo Tribe of Indians*.
Restrictions upon Trade,
in territory east of the Mississippi removed,..... 763
west of the Mississippi removed,.. 769
Revenue Agents. See *Internal Revenue*.
to aid in matters connected with internal revenue, their duty and pay,..... 224
Revenue Cutters,
six steamers for service on the lakes, to be provided,..... 419
appropriation therefor,..... 419
"*Revenue Officers*,"
who to be deemed,..... 17
Revolution,
gratuity to the five sole surviving soldiers of the,..... 598
Revolutionary Pensioners,
one hundred dollars a year added to pensions now paid, ... 38

Rewards,
for rescuing citizens of the United States from shipwreck,..... 138
offered for the arrest of Jefferson Davis and others,..... 756
for the arrest of felons from other countries committing felonies in the United States,..... 776
claimants of, for the arrest of Booth and others, to file claims by January 1, 1866,..... 778
Rice Lake Reservation,
ceded to the United States,..... 693
clearing of lands on,..... 694
houses for chiefs of bands,..... 694
Rice, Lucy A.,
gratuity to,..... 604
Richner, William P.,
payment to, as first lieutenant,..... 582
Right of Search,
of certain vessels suspected to be engaged in the African slave-trade,.... 645
Rights of most Favored Nation,
stipulations concerning, in treaty with Ottoman Empire,.....610, 611, 619
Ringgold, Commodore Cadwalader,
thanks of congress to,..... 403
Roads,
appropriation for clearing, &c.,..... 128
Roberts, Louis,
payment to, for advances to the United States,..... 595
Robinson, John L.,
credit to be allowed, and judgment against only for balance due,..... 585
Robinson, Sarah,
act for relief of,..... 585
Rock Island,
Illinois, to be taken possession of for arsenal,..... 50
See *Arsenal at Rock Island.*
Rodgers, Captain John,
thanks of congress to,..... 399
Rogue Rivers,
appropriations for the,..... 170, 549
Rouse's Point,
no longer to be principal port of entry,. 119
deputy collector to reside at,..... 119
Royce, James B.,
declared entitled to bounty,..... 603, 604

S.

Sackett's Harbor,
Secretary of Navy authorized to sell lot of land at,..... 404
Sacs,
appropriations for the,..... 170, 549
Saint Louis,
act requiring removal of arsenal from, repealed,..... 432
Salem,
office of naval officer at, abolished,..... 444
salary of surveyor of said district,..... 445
Sales,
of gold and foreign exchange, prohibited, 132
act prohibiting, repealed,..... 344
and contracts for sale of gold and silver, bullion, and coin, duty on certain,... 478
Salt. See *Belgium.*
importation of, into Turkey, prohibited, 613
no export duty upon,..... 613
duties for transportation of, in Belgium, 648
Salvage,
for recaptures,..... 814
Sandusky,
additional inspectors authorized at,.... 198
Sandy Lake Reservation,
ceded to the United States, except, &c., 692
clearing of lands on,..... 693
houses for chiefs of bands,..... 694
San José,
act for relief of occupants of lands of the ex-mission of, in California,..... 534
rightful occupants of such lands may enter and purchase the same of the United States,..... 534
persons desiring the benefit of this act to present claims within one year, and written statement,..... 534
register and receiver to take evidence, and decide upon claim,..... 534
decision not final until approved by commissioner of general land-office,..... 534
person in whose favor final decision is made to have patent upon paying for land,..... 534
patent to convey all the interest of the United States,..... 534
lines of public surveys to be extended over those lands not disposed of,..... 534
such lands to be disposed of as other public lands,..... 534
San Ramon, The Rancho,
claimants of lands within a grant for, may contest the location,..... 69
if the United States has a title, bona fide settlers shall have patents,..... 69
Savings Banks,
need not have a license,..... 251
not to pay duty,..... 278
duty upon,..... 479
Sawyer William,
value of certain lands in Ohio, to be ascertained for relief of,..... 584
Schedules;
Schedule A, under internal revenue law, 274
" B, " " " " 298
" C, " " " " 301
Scheldt Dues,
capitalization of the, &c.,..648, 649, 656, 658
See *Belgium.*
appropriation for first instalment toward capitalization of,..... 448
School Districts,
in Washington County, D. C., to remain as now, until altered,..... 187
trustees of, to be appointed,..... 188
power and duty of,..... 188
School Fund,
in Washington County, D. C., 188, 189, 192
School Lands,
certain, granted to Missouri,..... 132
Schools,
in Washington County, D. C.,.....187–193
commissioners and trustees of primary, 187, 188
school-houses, sites for, how obtained,.. 189
tax for, how levied and collected,...188, 189
school fund, provisions concerning, 188, 189, 192
children between eight and fourteen to be sent to,..... 192
for colored children, provisions concerning,..... 191
who may send children to,..... 191

School-Tax,
in Washington County, D. C.,.....188, 189
Schreiner, George A.,
pension to,..... 596
Scotons,
appropriations for the,.....162, 541
Scott, Winfield,
pay and allowances of, as lieutenant-general by brevet, not affected,..... 12
Seamen,
in vessels of the United States, need not be citizens,.....201, 202
act relating to, whose names are borne on books of vessels lost, &c., in naval service,.....389, 390
may be promoted for heroism, &c., and receive a gratuity and medal of honor, 79, 80
Sea Wall,
appropriation for, at Great Brewster,... 353
repairs of, at Deer and Lovell's Islands, ... 353
at Buffalo,..... 354
Second Assistant Secretary of War,
appointment, term of office, salary, duties, ...1, 431
Second Auditor,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of,.....27, 449
Second Comptroller,
appropriations for office of, 149, 150, 449, 450
additional clerks in office of,.....27, 449
Secretaries of Legation,
and assistants, appropriations for pay of, 137
Secretary
to commission under convention with Peru,..... 642
Secretary of Interior,
may admit transient insane persons into government hospital for insane,..... 3
may give directions as to convicts in the District of Columbia,.....12, 13, 75
duty of, as regards Indian reservations and affairs in California,.....40, 41
duty of, under act incorporating the Union Gas-Light Company..... 43
to cause Indian reservations in Utah to be surveyed and sold,..... 63
duty of, under act granting lands to Minnesota,.....64, 65
to Wisconsin,.....66–68, 183, 184
to Iowa,.....73, 74, 96–99
to Michigan,.....140, 141
to pay awards for damages done by the Sioux,..... 93
duty as to certain entries of land in Missouri, ... 143
as to expenditure of certain Indian appropriations, ...180, 181
as to fees and emoluments of attorney and marshal of the District of Columbia,..... 196
to give deed to John Perkins of portion of land of hospital for the insane, in exchange,..... 200
to superintend expending of appropriation for Navajoe Indians,..... 323
may diminish prices of lots liable to private entry, in city, &c., sites,..... 344
may cause surveys of certain city sites, &c.,..... 344
make regulations as to,..... 344
to prescribe regulations for fees in the general land-office,..... 375
Secretary of Interior, (continued.)
to assign temporary rooms for commissioner of agricultural department,... 381
appropriations for office of,..... 451
to report to congress the names of certain Indians,..... 427
to cause certain indigent blind children to be educated,..... 436
may locate and construct certain wagon-roads in Idaho, Montana, Dakota, and Nebraska,.....516, 517
cause certificates to issue to states for lands granted for railroads,.....521, 527
duty in regard to certain mineral lands, ... 530
to arrange for confinement of juvenile offenders, ... 538
to pay settlers in Hoopa Valley,..... 538
Secretary of Navy,
to prescribe regulations for permitting drafted seamen to enlist in the naval service,..... 7
may suspend rules as to lights on vessels of war when necessary,..... 58
may apply appropriation for floating dry dock to build two dry docks,..... 85
duty of, under act regulating prize proceedings, ...306–315
may employ special counsel for captors, ... 313
may designate district for prize proceedings, when property not sent in,..... 314
may require marshal to transfer prize property for sale to another district,.. 315
to appoint commissioner to select site for navy yard on Mississippi, &c.,.... 323
may detail vessel to aid in laying telegraph on Pacific coast,..... 341
to reserve part of pay of officer in insane hospital, &c.,..... 348
to negotiate for land on Wallabout Bay, 355
to direct testing of certain submarine inventions, ...392, 393
to provide for education of naval constructors and steam engineers,..... 393
to communicate thanks to Commodore Cadwalader Ringgold,..... 404
to sell lot of land at Sackett's Harbor,.. 404
to amend contract with John Ericsson,.. 409
appropriations for office of,.....154, 454
additional clerks in office of,..... 27
may make contract for bunting, ... 467
may increase pay of acting masters' mates, ... 539
Secretary of State,
may, at his discretion, change the office of commercial agent at Hakodadi, to that of consul,..... 140
to pay claims of certain Peruvian citizens, ... 141
to transmit documents to commission on claims of Hudson's Bay, &c., Company,..... 195
appropriations for office of,..... 448
Secretary of the Treasury,
clerks in the office of the,..... 161
appropriations for office of the, 149, 150, 449
additional clerks in office of, authorized, 27
may borrow not over $200,000,000, and issue bonds therefor,..... 13
may issue five-twenty bonds to certain subscribers,..... 13
to prescribe regulations for removal of

Secretary of the Treasury, (continued.)
distilled spirits for exportation without payment of duty,..... 15
to prescribe regulations for tax and drawback on cotton and manufactures of,.....16, 305
for collecting additional duty on distilled spirits,.....16, 17
may grant enrolment, &c. to steam-tugs "R. F. Davidson" and "W. K. Muir," 19
to prescribe duties for additional assistant secretary,.....26, 27
duties as to the coinage of cents, &c.,.54, 55
to issue register to steamer "John Martin,"..... 57
may increase the compensation of inspectors of customs,..... 62
may appoint clerks in office of auditor for Post-Office Department,..... 79
duty of, as regards banking associations, 100–118
may stipulate for release from attachment of property claimed by the United States,.....122, 123
may sell marine hospital at Chicago, &c., 142
to select clerks from office of paymaster-general for office of 3d auditor of treasury,..... 161
to cause money from sales of paper-shavings and extra copies of documents to be placed to credit of appropriation,..... 186
to make regulations under the act to prevent smuggling,..... 197
to appoint additional inspectors,..... 198
may remit fines, penalties, and forfeitures,..... 198
duty of, under the act increasing duties on imports,.....202–218
under act authorizing issuing of bonds and treasury notes,....218–222
under internal revenue act,....223–306
to make rules about commercial intercourse with rebel states,..... 378
to procure warehouses in New York for storage of imports in vessels subject to quarantine,..... 419
to construct or purchase, &c., six steam revenue cutters for the lakes,..... 419
may issue certain treasury notes,..... 425
may make contract for bunting, &c.,... 467
may borrow $600,000,000, and issue notes or bonds therefor,..... 468
duty of, under amendment of act to provide internal revenue,.....469–487
to apportion circulating notes among banking associations,..... 498
duties in regard to collection of taxes in insurrectionary districts,.....501–507
duty of, as regards the coinage of three-cent pieces,..... 517
may sell wharf at Bath, Maine,..... 539

Secretary of War,
second assistant, may be appointed,.... 1
salary and duties of,..... 1
to prescribe duties of second assistant secretary,..... 1
to detail or appoint surgeons to examine drafted men,..... 8
to permit examinations at different points, 8, 9
to assign persons opposed to bearing arms to special duty, when drafted,.. 9
may order discharge of persons under the age of eighteen years,..... 10

Secretary of War, (continued.)
to appoint a commission to determine claims of loyal masters of colored volunteers,..... 11
to superintend expenditure for protection of emigrants by overland route,. 14
duties of, under act establishing a system of ambulances,..... 20
may take and hold Rock Island for the use of the United States,.....50–52
may enlist a regiment of veteran volunteer engineers,..... 80
to provide for pay of colored soldiers, if, &c.,.....129, 130
may appoint clerks in bureau of military justice,..... 145
to convene boards for examination of quartermasters and commissaries and their assistants,..... 181
to appoint person to edit printing of official reports of operations of armies,..... 185
to superintend the expenditure of appropriations for preservation of public works on northern lakes and on seaboard,.....200, 201
may direct protection of telegraph on Pacific coast, &c.,..... 341
to furnish superintendent of public printing with reports of military operations, &c.,..... 406
appointment of second assistant, authorized,..... 431
salary, term of office, &c..... 431
may make contract for bunting,..... 467
to make regulations to pay colored troops, 488
may detail an officer to administer oaths required to be taken in settlement of certain accounts,..... 491
to make regulations for officers in the field to buy their rations on credit, &c.,..... 497
to furnish tobacco to enlisted men at cost prices,..... 497
may issue provisions, clothing, and fuel, to freedmen and refugees,..... 508
may assign chief commissary to each army, &c.,..... 513

Secret Service,
appropriations for,..... 129, 497

Sectional Docks,
appropriation of money to enlarge,..... 85

"*Security*,"
meaning of the term in act of June 30, 1864,..... 222

Seeds,
appropriations for purchase and distribution of,..... 155, 455

Seminoles,
appropriations for the,..... 170, 180, 549

Senate,
miscellaneous appropriation for,..... 26
payment from contingent fund and transfer of balances,..... 26
appropriations for expenses of,..... 146
extra session of the, called,..... 753
appropriations for expenses of the,..... 445

Senecas,
appropriations for the,... 170, 171, 549, 550

Sentences,
for offences against the United States to imprisonment for more than a year, where to be executed,..... 500
expense of execution of, how borne,.... 500

Servants,
pay of officers', ... 487
non-commissioned officers not to be employed as,..... 487
private soldier not to be, unless with his consent, ... 487
limit to allowance to officers for,..... 487
officers using enlisted soldiers as, not entitled to allowance for, ... 127
deduction to be made from pay for, 127
Sharp, Solomon,
joint resolution allowing to accept plate from government of Great Britain, for, &c., ... 408
Shawnees,
appropriations for the,..... 171, 550
Shawv-osh-kung,
grant of land to, ... 693
Shepherd, John H.,
payments to be made to, for carrying the mails, ... 576
Sheridan, Major Philip H.,
and officers and men under his command, thanks of congress to,..... 568
the President requested to communicate, 568
Sherman, Major-General W. T.,
thanks of congress to, ... 402
and the officers and soldiers of his command, thanks of the people and of congress to, for their gallant conduct in their movement through Georgia,. 565
Ship-Canal. See *Michigan.*
through "The Portage" in Michigan, grant of lands to Michigan, to aid in building,..... 519, 520
width and depth of canal,..... 519
when to be completed,..... 520
to be a public highway and free of toll to the United States,..... 520
Ships,
tonnage of, how to be ascertained and measured, ... 69, 72
See *Vessels.*
Shipwreck,
rewards for rescuing citizens of United States from, ... 138
Shircliff, Mary,
pension to,..... 597
Shoshonee-Goship Bands of Indians,
treaty with, of October 12, 1863,..... 681
depredations upon emigrant trains, mail and telegraph lines, to cease, ... 681
routes of travel to be unobstructed, ... 681
offenders to be surrendered,..... 681
military posts and station-houses,..... 681
telegraph and overland stage lines,..... 681
railway and branches not to be molested, 682
country may be prospected for minerals, 682
mines, mills, and ranchos may be established, ... 682
boundaries of country of Goship tribe, 682, 683
reservation and residences thereon,..... 682
annuities, including cattle, ... 683
Shoshonee Indians,
treaty with the northwestern bands of, of July 30, 1863,..... 663
peace and friendship, ... 663
treaty of Fort Bridger assented to,..... 663
annuities to, increased, ... 663
boundary of Pokatello country established, ... 663
amendment to treaty,..... 663
Shoshonees,
appropriations for the,..... 177, 556, 557
Siam,
rent of prisons in for American convicts, 139
Signal Service,
appropriations for,..... 129, 497
Silk, and Manufactures of,
duty on, ... 210
Silver,
manufactures of,..... 212
Silver Bullion and Coin,
tax on sales, &c., of, by brokers,..... 478
Sioux City,
branch railroad from, ... 363, 364
Sioux Indians,
awards for damages by, appropriation to pay,..... 92, 93
claimants or their attorneys to be paid,. 93
examination to be made of their acts in saving women and children,..... 427
appropriation, and how to be expended,. 427
report to be made to congress,..... 427
appropriations for the,.... 172, 180, 551, 559
in Minnesota, act for relief of certain friendly, ... 427
Sisters of Mercy in the District of Columbia,
corporation of this name constituted,... 435
property heretofore given to be vested in this corporation,..... 435
may take, hold, and convey property,.. 435
limit to amount of landed property,.... 435
suits, seal, by-laws, ... 435, 436
objects of the association,..... 436
who to be corporators, and when to cease so to act,..... 436
officers, agents, &c.,..... 436
visitation and inspection, ... 436
act may be amended, &c.,..... 436
Six Nations,
appropriations for the,..... 171, 550
Sixth Street West,
in Washington, D. C., to be opened,... 439
not to be opened through Armory Square, until, &c., ... 439
Skaggs, Martha Jane,
pension to,..... 595
S'Klallams,
appropriations for the,..... 176, 555
Slaughtered Cattle, Swine, and Sheep,
duty on, provisions concerning,... 274, 275
Slaves,
of loyal masters, drafted and mustered into service, master to have certificate and bounty, ... 11
commission to determine compensation of loyal masters of colored volunteers, 11
Slave-Trade,
coastwise, prohibited, ... 353
expenses for suppression of,..... 424
treaty with Great Britain for suppression of the African, ... 645
See *Great Britain.*
Smith, J.,
lands in Missouri granted to,..... 582
Smith, Marshall,
mail pouches or boxes, patented by, to be bought for postal service, ... 574
Smithsonian Institution,
two regents, need not be members of the National Institute, ... 420
General Richard Delafield appointed a regent of, ... 569
Smuggling,
act to prevent,..... 197
goods, &c., imported to be unladen and inspected at first port of arrival, ... 197
trunks, closed vessels, &c., to be opened, 197

Smuggling, (continued.)
to be forfeited, if dutiable articles are found therein,..... 197
proceedings to avoid inspection at first port,..... 197
regulations for sealing cans, marking goods, &c.,..... 197
penalty on owners, &c., for not proceeding to place of destination,..... 197, 198
for unlawfully breaking or opening seals, fastenings, &c.,..... 198
Secretary of Treasury may remit certain fines, penalties, &c.,..... 198, 199
facts to be ascertained,..... 199
fines, &c., how disposed of,..... 199
appropriation to prevent,..... 381
beasts of burden, carriages, &c., carrying smuggled goods to be seized and confiscated,..... 441, 442
buildings near the boundary line of the United States may be searched,..... 442
certain dutiable goods found therein may be seized and forfeited,..... 442
Snake Indians,
President authorized to conclude treaty with for purchase of country,..... 37
appropriation therefor,..... 37
Snuff. See *Internal Revenue*.
provisions of revenue law concerning manufacture, &c., of,... 474, 475, 477, 485
Soldiers,
sick in hospital and discharged, and unable to leave and dying in hospital, to be entitled to bounties,..... 356
not to deal in captured, &c., property,.. 377
penalty for so dealing,..... 377
resolution to encourage the employment of disabled and discharged,..... 571
Solicitor and Naval Judge-Advocate General,
office of, established,..... 468
pay and duties of,..... 468
Solicitor of the Treasury,
appropriations for office of,..... 149, 150
South Carolina,
not entitled to representation in the electoral college,..... 567
provisional governor appointed for,.... 770
the United States to help,..... 770
convention, qualifications of electors, &c., 770
Southeast Executive Building,
appropriations for purposes of the,.. 22, 150
Southwest Executive Building,
appropriations for purposes of,..... 154
Special Agents,
of Treasury Department, appropriations for,..... 158
See *Post-Office Department*.
of Post Office Department, for Pacific states and railway mail service,..... 505
to have certain allowance for travelling expenses,..... 505
Spirits,
additional import duty on,..... 492, 493
Spirituous Liquors,
penalty for introducing, &c., into the Indian country,..... 29
for selling, or giving, &c., to Indians,..... 29
liquors and vessels and conveyances to be forfeited,..... 29
superintendent and agents to search for and seize,..... 29
any persons or Indian may destroy,.... 29
Indians may be witnesses,..... 29
duty on,..... 202
Spool Thread,
import duty on,..... 492
Spun Silk,
additional import duty on,..... 493
Stable
at the President's, appropriation to rebuild,..... 3
Staff Officers,
on staff of lieutenant-general, how paid, 406, 417
Stafford, Margaret M.,
pension to,..... 580
St. Albans, Vermont,
made a port for exportation to the British Provinces,..... 752
Stamp Duties,
provisions of internal revenue law concerning,..... 291–302
penalty for making, &c., any instrument required to be stamped without affixing the proper one,..... 481
if stamp is omitted by mistake, it may be affixed by leave of collector, and on payment of $50,..... 481, 482
mode of proceeding in such case,.. 481
such payment may be remitted when, &c.,..... 482
title to real estate of purchaser by deed duly stamped, not affected by want of stamp on deed through which his grantor claims title,..... 481
Stamped Envelopes. See *Postage*,..... 337
Stamps. See *Postage*.
for postage,..... 337
"*State*,"
the term, to include "territory,"..... 306
State Department,
appropriations for the,..... 148, 459
States in Rebellion,
declaration of opinion of the President, as to plan of restoration,..... 744
Stationery,
appropriations for,..... 23, 26
Statuary,
work to include what,..... 493
Statues,
states to be invited to furnish statues, not exceeding two, of their eminent citizens, to be placed in old Hall of Representatives,..... 347
Statute of Limitations,
time during which persons are beyond legal process, by reason of resistance to the laws, &c., not to make part of time limited for bringing actions,.... 123
Statutes at Large,
appropriations for copies of volumes 10 and 11,..... 351
Steamboats,
supervising and local inspectors of, authorized,..... 120
provisions of internal revenue act concerning,..... 254, 275, 277
Steam Engineering,
appropriation for bureau of,..... 82, 464
Steam Engineers,
in navy,..... 393
Steam Rams,
purchase, construction, and maintenance of,..... 128
Steam Revenue Cutters,
six to be provided for service on the lakes,..... 418
Steam Screw Sloops of War,
appropriation for completion of,..... 80

Steamships,
act to regulate carriage of passengers in, ... 390, 391, 392
"contiguous territory," not to apply to certain ports, in, ... 390
certain provisions of act of 1863, ch. 213, extended, ... 390
three copies of inspectors' certificates to be given to masters, &c., 390
one to be conspicuously posted in vessel, ... 390
penalty for not posting, ... 390
list of passengers to be open to inspection, &c., ... 390
before sailing, and after clearance, master, &c., to file sworn, with collector, ... 391
departure permit, &c., ... 391
to be shown to pilot, ... 391
duties of master of vessel, &c., at certain ports in Mexico, &c., as to passenger lists, ... 391
penalty on owner, &c., for presenting false, ... 391
synopsis of passenger laws to be printed, and kept in conspicuous place, &c., ... 391
clearance not to issue, until, &c., 391
forfeiture if master refuses to comply, &c., ... 392
half of penalty to go to informer, &c., ... 392
steamers bound to foreign port shall receive gold, &c., from United States officers, &c., when, &c., ... 392
not to receive letters, &c., unless posted and received from the post-office at the port, ... 506
conditions of clearance, ... 506
letters relating to cargo, &c., not included, ... 506
Steel, and Manufactures of,
duties on, ... 205, 206
Steering and Sailing Rules,
for vessels meeting, crossing, &c., ... 60, 61
See *Collision.*
Stellwagen, Captain Henry S.,
of the United States navy, may accept sword of honor from government of Great Britain, ... 604
Stockbridge, Wisconsin,
patents to issue to occupants of unpatented land who are grantees of Stockbridge Indians, ... 530
if claims conflict, commissioner of land-office to decide, ... 530
patents to issue according to his decision, ... 530
patents to vest the fee, subject to valid liens or incumbrances, ... 531
lands in, not patented, to form part of Menasha land district, ... 531
may be sold, at minimum price of $3 an acre, to actual settlers, ... 531
time of payment may be extended for not over one year, ... 531
actual settlers not to preëmpt more than two contiguous lots, &c., ... 531
lands not sold within a year, to be brought into the market, at not less than minimum prices, ... 531
Storage,
of imports in vessels subject to quarantine in New York, ... 419
Stoves,
for heating and cooking, appropriation for, ... 128
Submarine Inventions,
appropriation for testing certain, &c., 392, 393
Subsistence,
in kind for soldiers, appropriation for, ... 127
Subsistence Department,
appropriations for, ... 23
act for better organization of the, ... 513
chief commissary of subsistence and assistant may be assigned to each military division, army, department, &c., .. 513
rank, pay, and emoluments of, ... 513
commissaries for inspection, ... 513
rank, pay, &c., of, ... 513
chief commissary of army corps, ... 513
commissary to each division, ... 514
when officers relieved from this duty, increased pay, &c., to cease, ... 514
officers to be selected proportionably from volunteers and regulars, ... 514
Substitute Brokers,
license to, and duty, ... 473
Substitutes,
who may be employed as, ... 6
persons enrolled may furnish, previous to draft, ... 6
drafted persons may furnish, ... 6
who not to be employed in procuring, .. 10
those furnishing, to be exempt for how long, ... 6
to be credited to state and sub-district of residence and enrolment, ... 489
for drafted persons, to be exempt for how long, ... 489
for drafted or enrolled persons known by party furnishing, to be incompetent, .. 490
wilfully defrauding of bounty — punished, ... 490
deserting, and party furnishing, aiding such party, to serve, ... 490
in the District of Columbia, — persons charged with crime not to be received as, ... 498
punishment for so doing, ... 498
penalty for officers, &c., of jail, giving certain information, ... 499
Succession,
to real estate, provisions of internal revenue law concerning, ... 287, 291
no duty to be levied where the successor is the wife of the predecessor, ... 481
Sugars, Syrups, &c.,
duty on, ... 202
Summary Trials,
of minor offences against laws of the United States, provision for, ...124, 125
Superannuated Fund Society of the Maryland Annual Conference,
may hold property under the will of William Doughty, ... 135
may hold real and personal property, 135, 136
Superintendent of Indian Affairs,
in California, appointment, salary, &c., of, 39
may appoint clerk, &c., ... 40
Superintendent of Money-Order System,
appointment, salary, clerks, &c., ... 79
Superintendent of Public Printing,
annual report to state amount of work ordered and done, &c., ... 25
duty of, as to printing public documents, &c., ...184, 186
See *Public Documents.*

Supervising Inspector of Steamboats,
additional, authorized,..... 120
Supreme Court,
joint resolution concerning publication of decisions of, during December term, 1863,..... 405
Supreme Court of the District of Columbia,
appropriations for the,.....157, 158, 457
Surgeon-General,
appropriation for department of,.....23, 453
instruments and dressings,..... 23
hospital stores and furniture,..... 23
books, &c., ice, fruits, &c.,..... 23
artificial limbs,..... 23
citizen physicians and nurses,..... 23
contrabands, ... 23
Surgeons,
additional, to examine drafted persons, authorized, ... 8
not to be members of board of enrolment, 8
acting assistant and contract, on enrolling boards, exempt from draft,..... 491
Surgeons in the Navy,
retired pay of,..... 54
Surveying Districts,
New Mexico and Arizona to be one, 352, 353
Idaho, Nevada, and Colorado to be one, 353
Dakota and Montana one,..... 353
repeal of acts relating to,..... 353
to be but one office of surveyor-general for each surveyor-general's district,..... 353
Surveyor-Generals and their Clerks,
appropriations for, and for office-rent of, 23, 152, 221, 451, 452
in Wisconsin and Iowa,..... 152
Oregon, ... 152
California and Nevada,..... 152
Washington Territory,..... 152
New Mexico,..... 152
Kansas and Nebraska,..... 152
Minnesota, ... 152
Colorado and Utah,..... 152
Dakota, ... 152
Arizona, ... 152
Idaho, ... 152
and their clerks, appropriation for,....22, 23
Surveyor of Customs,
office of, at Beverly, abolished,..... 444
salary of, at Salem,..... 445
appointment and pay of, at Michigan City, ... 445
Surveyors of Customs,
certain, may have certain duties remitted, ... 430
Surveys,
appropriations for, of lakes,..... 354
chart of,..... 354
purchase, &c., of instruments for,.. 354
Surveys of Public Lands,
deposits made for expenses of, to be placed to what credit,..... 414
Sweeting, Anthony,
to be paid for losses, as pilot of the "Juniata," 591
Swett, Ephraim,
payment to, for superintendence of custom-house at Belfast,..... 25

T.

Tabeguache Band,
of Utah Indians, treaty with, ... 673
See *Utah Indians.*
Tariff,
of duties upon imports from the United States into Belgium,..... 648
of custom-house duties, &c., under treaty with Ottoman Empire,.....620, 621
to remain in force seven years,..... 621
how and when may be revised,..... 621
Tax,
on circulation, deposits, and capital stock of banking associations,..... 111
on shares in such association,..... 112
Taxation,
all bonds, notes, and other obligations of the United States to be exempt from state or municipal,..... 218
certain treasury notes to be exempt from, 425
Tax Commissioners,
duty, salary, &c., in collecting taxes in insurrectionary districts,.....501–504
when they enter on their offices,..... 503
See *Direct Taxes in Insurrectionary Districts.*
Taxes,
joint resolution as to paying, on certain lands of United States, ... 402
appropriation for,..... 402
Taylor, Sophie Brooke,
pension to,..... 598
Teachers,
among the Indians, provisions concerning,..... 695
Teas,
duty on,..... 202
Telegraph,
for military purposes, appropriation for, 128, 496
act to encourage communication by, between Eastern and Western continents, ... 340
Perry McDonough Collins, associates and assignees, authorized to construct line with branches from line of Pacific telegraph to British America,..... 340
to have right of permanent way, &c., over public lands,..... 340
to use public lands, not exceeding, &c., for stations, provided, &c.,... 340
Secretary of Navy may detail vessel to aid in laying submerged cable, 341
government to have priority in use of lines of,..... 341
to aid in protecting from savages,..... 341
lines to be open to public on payment of regular charges,..... 341
act may at any time be altered, &c., 341
rate of charges for messages, ... 341
terms of despatches for newspapers, to be same to all,..... 341
act for increased facilities of communication between the Atlantic and Pacific States and territory of Idaho,... 373
United States, company may erect lines between Missouri River and San Francisco,..... 373
to connect with other lines,..... 373
right of way, &c.,..... 373
stations,..... 373
no right to preëmption,..... 373
from Fort Hall to Portland, Oregon, 374
may send despatches over other lines, &c.,..... 374
to be transmitted in order of reception, ... 374
certain railroads may arrange with,.... 374

Telegraph Companies,
provisions of internal revenue act concerning,.....276, 277
Telegraph Lines,
not to be molested by Indians,..... 681
in Kansas, grant of lands, to state of, in aid of construction of, provided, &c.,.. 339
change of certain route of, in Kansas, .. 340
Temporary Huts,
hospitals, and stables, appropriation for,. 128
Temporary Loans,
may be received, and certificates of deposit bearing interest issued therefor, 219
aggregate not to exceed $50,000,000,... 219
reserve for payment,..... 219
Tenant at Will, &c. See *District of Columbia.*
Tender. See *Legal Tender.*
treasury notes how far a legal,.....218, 219
effect of, to stop sales under the revenue law,.....233, 235
Tennessee,
terms of federal circuit and district courts in west district,..... 2
special terms, notice,..... 2
not entitled to representation in the electoral college,..... 567
the insurrection in declared suppressed, 763
Territories,
appropriations for government in,...156, 157, 456, 457
See *Titles of the several Territories.*
Terry, Brevet Major-General Alfred H.,
and the officers and men under his command, thanks of congress to, for the capture of Fort Fisher,..... 566
the President of the United States requested to communicate the resolution,..... 566
Texas,
not entitled to representation in the electoral college,..... 567
provisional governor appointed for, ... 766
the United States to help,..... 766
convention, qualifications of electors, &c., ... 766
Thanksgiving,
day of, appointed,..... 749
day of national, appointed,..... 773
Thanksgiving, Prayer, and Praise,
days of, appointed,.....734, 736
Thanks of Congress,
to Major-General Grant, &c.,..... 399
gold medal to,..... 399
appropriation for,..... 399
to Major-General Banks,..... 401
to Major-General Burnside,..... 401
to Major-General Hooker, ... 401
to Major-General Howard,..... 401
to Major-General Meade, ... 401
to Major-General Sherman,..... 401
to Admiral David D. Porter,..... 404
to Commodore Cadwalader Ringgold,.. 403
to Lieutenant-Colonel Bailey,..... 408
to Captain John Rodgers,..... 399
to Cushing, Lieutenant William B.,.... 565
to Porter, Rear-Admiral David D., ... 566
to Sherman, Major-General William T., 565
to Sheridan, Major-General Philip H.,.. 568
to Terry, Brevet Major-General Alfred H., ... 566
to Thomas, Major-General George H.,. 571
to Winslow, Captain John A.,..... 565
and the officers and men under their command.
Thanks of Congress, (continued.)
to volunteer soldiers who have reënlisted,..... 402
to Cornelius Vanderbilt,..... 401
Theatres, Operas, Circuses, and Museums,
provisions of internal revenue act concerning,.....276, 277
The Columbia Institution for the Instruction of the Deaf and Dumb,
name established,..... 436
indigent blind children, where to be educated,..... 436
expense thereof, how paid,..... 436
The Freedman's Savings and Trust Company,
established at Washington, D. C.,...510–512
trustees and board, how filled,..... 511
meetings of,..... 511
failing to attend for six months in succession, to vacate office of trustee, ... 511
trustees to manage corporation, ... 511
officers of, ... 511
quorum, by-laws, ... 511
objects and business of corporation,.... 511
deposits, investments, &c.,..... 511
deposits to be repaid and trusts performed, ... 512
of deceased depositors, how held and disposed of, ... 512
not called for, how invested and applied,..... 512
officers not to borrow or use funds of corporation,.....512, 513
interest and dividends to depositors,.... 513
deposits of minors and married women, 513
no trustee, except president and vice-president, to receive pay, ... 513
official bonds and salaries,..... 513
books to be open for inspection,..... 513
The News-Boys' Home of Washington City,
act to incorporate,.....99
The Union Gas-Light Company of the District of Columbia,
act to incorporate,.....41, 43
Third Auditor,
appropriations for office of,.....149, 150
additional clerks in office of,..... 27
Thomas, Major-General George H.,
and officers and soldiers under his command, thanks of congress to,..... 571
Three-Cent Pieces,
coinage of, authorized,..... 517
composition of coin,..... 517
weight, shape, mottoes, and devices,... 517
laws relating to coins and coinage extended to this coin,..... 517
director of mint to make regulations, .. 517
to be legal tender for sixty cents,...517, 518
may be paid out for lawful currency, except cents and half-cents,..... 518
making or passing coin, or token for this coin, &c., how punished,..... 518
motto "In God we trust," may be put on, if, &c.,..... 518
Titles,
act to quiet, in favor of parties in actual possession of lands in the District of Columbia,.....531, 532
Tobacco,
duty on, ... 203
See *Internal Revenue.*
provisions for manufacture of and duty upon, under internal revenue law,..... .. 261, 264, 270

Tobacco, (continued.)
to be furnished enlisted men at cost prices, ... 497
provisions of revenue law concerning manufacture, &c., of,... 474, 475, 477, 485
See *Internal Revenue.*
importation of, into Turkey, forbidden, 617
no export duty on, in Turkey,..... 617
Tobacco Stems,
import duty on,..... 493
Ton,
the, under internal revenue act, to be 2000 pounds,..... 268
Tonnage. See *Vessels.*
of ships and vessels, how to be measured, ... 69
in determining tonnage, no part of vessel above first decks, used for cabins, &c., to be measured,..... 444
Tonnage Dues. See *Belgium.*
in Belgian ports to cease,..... 648
not to be reestablished,..... 648, 656, 660
Tonnage Duty,
on certain vessels,..... 493
Town Property,
act to dispose of, in public domain,..... 343
town or city sites, how disposed of, in public domain,..... 343
when liable to private entry,..... 344
actual settlers on, rights of,..... 344
extension limits of, on unsurveyed lands, how adjusted,. 344
patents for, how issued,..... 344
surveys, how and when may be made, if maps, &c., not filed within twelve months..... 344
Secretary of Interior to make regulations about,..... 344
repeal of act of 1844, ch. 17, relating to, ... 344
Town Sites,
claim for, not to be barred, though area is in excess of 640 acres,..... 530
minimum price of lots,..... 530
right to town lots subject to acquired possessory rights in mineral veins,... 530
no color of title recognized in possessors for mining purposes as against the United States,..... 530
Towson, Dorsey Edwin William,
to take the name of Dorsey Edwin William Carter, ... 597
Trade,
restrictions upon, in territory east of the Mississippi removed,..... 763
west of the Mississippi,..... 769
Transfer,
of persons from military to naval service,..... 402
prize money to be in lieu of bounty, 402
conditions of, &c.,..... 402
law permitting, repealed,..... 119
Transfer Enlistments,
limit to number of,..... 7
from army to navy, act permitting, repealed,..... 119
Transportation,
appropriations for,..... 24, 128, 496
of the army, appropriations for, 126, 128, 496
Transportation Companies, &c.,
duty upon, ... 477
Treasurer of the United States,
appropriations for office of,..... 149, 150
additional clerks in office of,..... 27
Treasurer of the United States, (continued.)
office of, reorganized,..... 159, 160
employment and salary of, authorized,.. 159
assistant treasurer,..... 159
cashier and assistant,..... 159
chief of division of issues, ... 159
of redemption,..... 159
of loans,..... 159
of accounts,..... 159
of national banks,..... 160
two principal book-keepers,..... 160
tellers and assistant tellers,..... 160
chief clerk and other clerks,..... 160
Treasurers,
acting assistant, provisions concerning,. 427
bond of principal to cover act of, ... 427
subject to penalties, ... 427
Treasury Department,
appropriations for the,..... 149, 150
to credit Navy Department with prize money received, &c., ... 311
Secretary of, authorized to anticipate payment of interest on public debt,.. 404
accommodation of clerks of,..... 459
Treasury Extension,
appropriations for,..... 24, 25
Treasury Notes. See *Bonds.*
appropriation for expenses of,..... 158
Secretary of Treasury may issue not over $200,000,000 of, in lieu of an equal amount of bonds,..... 218
denominations, and when payable,..... 218
interest payable in lawful money,..... 218
how far a legal tender,..... 218
convertible into bonds,..... 219
may be substituted for notes of previous issues, ... 219
bonds may be issued in exchange for those previously issued,..... 219
form of, how executed,..... 220
to bear impress of seal of treasury,.... 220
to have certain statements printed on them,..... 220
expenses of issuing, how borne,..... 221
penalty for counterfeiting, &c., ... 221, 222
may be issued in lieu of bonds under act of June 30, 1864,..... 425
bonds and notes not to exceed $400,000,000,..... 425
how may be disposed of,..... 425
exempt from taxation,..... 425
no additional legal-tender notes authorized,..... 425
See *Loan.*
Secretary of Treasury may issue to an amount not exceeding $600,000,000,.. 468
Treaties,
with Belgium,..... 647, 655
Chippewas,..... 667, 689, 693
Colombia,..... 685
Denmark,..... 605
Ecuador,..... 631
Great Britain,..... 645, 651
Hayti, ... 711
Honduras,..... 699
Kickapoos,..... 623
Ottoman Empire, ... 609
Peru,..... 635, 639
Shoshonees,..... 663
Shoshonee-Goship Indians,..... 681
Utahs,..... 673
Treaty with Great Britain,
regulating naval force on the lakes, notice to terminate,..... 685

Trials,
by the court without a jury, of issues of fact in civil cases,..... 501
effect of finding, exceptions, &c.,..... 501
Trustees of School Districts,
in Washington County, D. C., appointment, powers, and duties of, ... 188, 193
Tug-Boats,
hulls and boilers of certain, to be inspected,..... 120
fees for inspection,..... 120
Turkey,
salary of interpreters, and expenses of courts in,.....137, 139
expenses of consulates in,..... 138
Two-Cent Pieces. See *Cent.*
provision for the coinage of,.....53, 54
to be a legal tender, and in what sums, . 54
to be legal tender for four cents,..... 518

U.

Uinta Valley,
Indians in Utah to be settled in,..... 63
appropriation for agricultural improvements in,..... 63
Umatillas,
appropriations for the, ...173, 552
Umpire,
between commissioners of claims between the United States and Ecuador, how appointed, paid, &c.,.....632, 634
King of Belgium to act as, between Peru and the United States,..... 636
to be chosen by commissioners under convention with Peru,..... 640
King of Italy to appoint, between Great Britain and the United States, if, &c., 652
See *Great Britain, Peru.*
Umpquas,
appropriations for the,.....162, 171, 541, 552
Unclaimed Money,
from dead letters, to be deposited,..... 516
Union Gas-Light Company of the District of Columbia,
act to incorporate the, ...41–43
Union Pacific Railroad,
act to amend act of 1862, ch. 120, relating to,..... 356
capital stock of, to be in shares of $100 each,..... 356
number of shares to be 1,000,000,.. 356
directors to hold fifty shares,..... 356
repeal of part of act of 1862, ch. 120, § 1, 356
books of subscription to be kept open in certain cities,..... 356
subscription not to be valid, unless, &c., 357
assessments,..... 357
stock not to be increased,..... 357
to be personal property,..... 357
to take and hold lands necessary for, &c., 357
land damages,..... 357
appraisement of,..... 357
appeal from,..... 357
to absent owners,..... 357
to unoccupied land,..... 358
what notice to owners of,..... 358
amendments of act of 1862, ch. 120, §§ 3, 7,..... 358
"mineral land" granted to, not to include coal or iron,..... 358
preëmption rights not to be affected by certain acts relating to, except, &c.,.. 358
Union Pacific Railroad, (continued.)
meaning of "timber" granted to,..... 358
lands granted to colleges, not included in certain acts relating to,..... 358
time for designating route and filing maps, &c., of, extended one year,.... 358
government bonds of Central Pacific Railroad, of California, how to be in part redeemed,..... 359
commissioners for, ... 359
amendment of act of 1862, relating to,. 359
statements, when filed,..... 359
bonds, &c., when issued, &c.,..... 359
repeal of requirement of reservation of portion of,..... 359
portion of, when engineer certifies to completion of part of work, &c., 359
remainder when,..... 359
draws, ferries, bridges, &c.,..... 360
over Missouri, and other rivers, provided, &c.,..... 360
connection of other roads with, provided, &c.,..... 360
first mortgage bonds of, how issued,.... 360
lien of United States subordinate to, except, &c.,..... 360
provisions for bonds of, already issued,.....360, 361
Eastern division, &c., to build railroad, &c.,..... 361
not entitled to bonds for,..... 361
directors of, number of,..... 361
government,..... 361
how appointed,..... 361
to report to Secretary of the Interior,..... 361
to visit road,..... 361
compensation of,.....361, 362
when next elected, ... 362
when regularly elected,..... 362
roads and telegraph to be used as continuous line,..... 362
companies may be consolidated,..... 362
mode of procedure,..... 362
powers and duties of, after consolidation,..... 363
branch from Sioux City,..... 363
Union Railroad need not construct, 364
bonds for,..... 364
lands for,..... 364
time of completion, ... 364
forfeiture, if, &c.,..... 364
Burlington and Missouri River Railroad, provisions as to,..... 364
right of way,..... 364
Indian titles to be extinguished, 364
lands granted to, provided, &c., 364
commission to be appointed as to, 364, 365
patents to be issued to, when,..... 365
companies in, to pay cost of surveying land, ... 365
act may be amended, &c.,..... 365
Union Pacific Railroad Company
may issue six per cent. thirty year bonds, 504
"United States Bonds,"
term, to include what,..... 100
United States Telegraph Company,..... 374
See *Telegraph.*
University Lands,
in Oregon and Washington Territory, bona fide sales of, confirmed,..... 28
Upper Pen d'Oreilles,
appropriations for the,.....175, 554

Utah Indians,
treaty with the Tabeguache band of, of October 7, 1863, ... 673
boundaries of lands claimed by, ... 673
boundaries of lands ceded to the United States, ... 674
authority of the United States admitted, ... 676
military posts may be established on lands not ceded, ... 674
miners not to be disturbed, ... 674
other settlers not permitted, ... 674
Mohuache band may be settled on lands reserved, ... 674
protection to certain persons, ... 674
injuries to be redressed and offenders delivered up, ... 674, 675
stolen property to be restored, or payment made from annuities, ... 675
guaranty to Indians for losses by certain thefts, ... 675
white men to be surrendered upon demand, ... 675
munitions of war, ... 675
annuities, horses, &c., ... 675
donations of stock to those willing to follow agricultural pursuits, ... 675
blacksmith and shop, ... 675
amendments, ... 676–679
Utahs,
appropriations for the, ... 180, 558, 560
Utah Territory,
appropriations for government in, ... 156
Indian service in, ... 180
post-routes established in, ... 322
Indian reservations in, except, &c., to be sold, ... 63
Indians in, to be settled in Uinta Valley, 63
Indian title to certain lands in, to be extinguished, ... 432
territorial government in, ... 456
Indian service in, ... 558

V.

Vanderbilt, Cornelius,
thanks of congress to, ... 401, 402
gold medal to, ... 402
appropriation for gold medal for, ... 462
Ventilating,
appropriations for, ... 146
Vergel, Juan del Carmen,
payment to, ... 95, 141
Vermont,
additional inspectors authorized in, ... 198
post-route established in, ... 320, 525
Vessels,
act to punish fraud in names of, ... 63
names of steamboats, where to be placed on vessel, ... 63
penalty for not having name so placed, . 63
name not to be changed, and no deception to be practised as to name, under penalty of forfeiture, ... 64
built or owned in the United States, after January 1, 1865, how to be measured and registered, ... 69
registers, to express what, ... 69, 70, 72
length, breadth, depth, and height, how ascertained, ... 70
measurements to be in feet and decimals, 70
register tonnage to be what, and how ascertained, ... 70–72
Vessels, (continued.)
tonnage of open vessels, ... 72
tonnage to be marked on main beam, ... 72
charges for measuring vessels and certifying, ... 72
provisions not to apply to certain vessels, 72
controversies between officers and crew of certain foreign, to be under jurisdiction of consuls, ... 121
in measuring for tonnage, cabins above deck not to be reckoned, ... 444
not to receive letters, &c., unless posted at and received from the post-office at the port, ... 506
conditions of clearance, ... 506
letters relating to cargo, &c., not included, ... 506
bills of sale, mortgages, conveyances, &c., of, not to be recorded unless duly acknowledged, ... 519
what to be deemed "United States," and what "Ottoman," under the treaty, .. 615
Vessels of the United States,
certain proportions of crews of, need not be citizens, ... 201, 202
officers of, to be citizens, ... 202
Vessels of War,
certain privileges to be refused to those of certain nations, ... 755
to those of nations showing hospitalities to insurgent cruisers after notice, ... 757
Veteran Volunteer Engineers,
regiment of, may be organized, ... 80
pay, &c., to be those of engineer soldiers, 80
appointment, commissions, &c., of officers of, ... 80
Vice-Admiral,
grade of, established in the navy, ... 420
appointment, rank, pay, &c., ... 420
Vice-President of the United States,
appropriations for the, ... 148, 448
franking privilege extends to all mail matter, ... 30
Virginia,
judicial district of, ... 124
boundaries of, and sessions of court in, . 124
not entitled to representation in the electoral college, ... 567
authority of the United States declared reëstablished in, ... 777
aid to be given Governor Pierpont, ... 777
Visitors, Board of,
to be present at annuity payments to certain Indians, ... 694, 695
their duties, pay, &c., ... 695
Volunteer Engineers,
six regiments to be enlisted, ... 488
pay and allowances of, ... 488
two companies to be added to former regiment, ... 488
Volunteers,
appropriations for bounties to, ... 126, 129
for expenses of collecting, subsistence, drilling, &c., ... 126
for payment, &c., of, ... 126, 127
thanks of congress to those who have re-enlisted, ... 403
100,000 called for, ... 733
300,000 called for, ... 737
500,000 called for, ... 743
joint resolution for payment of volunteers, for not less than 100 days, ... 405
appropriation for, ... 405

Volunteers, (continued.)
to be credited to state and sub-districts of residence and enrolment,..... 489
wilfully defrauding of bounty, punished, 490
certain officers of, in commission, to have three months' pay when mustered out, 497
in the District of Columbia, persons charged with crime not to be received as,..... 498
punishment for so doing,..... 498
penalty for officers, &c., of jail giving certain information,..... 499
300,000 called for,..... 752
Voters,
qualifications of, not to be fixed by any army or navy officer,..... 437
penalty for so doing,..... 437
Vreeland, Benjamin,
payment to,..... 601

W.

Wadsworth, Solomon,
former act for relief of, amended,..... 595
Wagon-Road. See *Oregon.*
in Oregon,..... 355
Wagon-Roads,
for military and postal purposes, lands granted to Michigan for,..... 140, 141
routes of roads,..... 140
mode of construction of,..... 141
to be public highways, and free of toll,. 141
construction of certain, in the territories of Montana, Dakota, Idaho, and Nebraska, authorized,..... 516, 517
appropriations, and applications thereof, 517
Wait, Israel C.,
payment to legal representatives of,.... 578
Walden, Charles C.,
accounts of, acting assistant paymaster, lost in the "Bainbridge," to be settled, 53
Walker, William C.,
payment to,..... 579
Wallabout Bay,
act to authorize acquisition of land in, by Secretary of Navy,..... 354
Walla-Wallas,
appropriations for the,..... 173, 552
Ward, Naham,
claim of, to be referred back to court of claims,..... 591
Warden,
of jail in District of Columbia, appointment, power, and duty of,..... 12, 13
term of office, salary, bond,..... 12, 13
to report annually to Secretary of Interior,..... 12
to transport convicts,..... 12
appropriation for salary of,..... 259
Warehouses,
to be erected, &c., in New York, for storage of imports in vessels subject to quarantine,..... 419
appropriation for,..... 419
Warrant of Attachment,
of property of delinquent, &c., postmasters and other agents of Post-Office Department,..... 433, 434
proceedings to obtain, execute, and discharge,..... 433, 434
See *Post-Office Department.*
Warrant Officers,
in navy, assimilated rank for,..... 373
Washing and Washing-Machines,
appropriations for,..... 23, 129
Washington and Georgetown Railroad,
act to amend charter of,..... 322
to allow extension on certain highways,..... 322
and increase fares,..... 322
Washington Aqueduct,
act to provide for completion, &c., of,... 384
appropriation for,..... 384
Washington, City of,
acts to amend charter of,..... 68, 407, 434
taxes may be assessed for local improvements, streets, sewerage, drainage, &c., 68
person to be appointed to see that streets are cleaned, watered, and kept in repair,..... 68
the United States to pay its proportion for improvements in certain streets,.. 68
act to establish Colfax Street in city of,..... 355
improper occupation of certain streets, avenues, and reservations prohibited,. 412
joint resolution to amend charter of,.... 407
qualified voters, &c., to be registered,..... 407
terms and conditions,..... 407
false swearing as to, &c., to be perjury,..... 407
Washington City Savings Bank,
incorporated,..... 17
officers, powers, and duties of,..... 17, 18
Washington, D. C.,
amendment of charter of,..... 434
taxes may be laid for local improvements, paving, sewerage, street-lamps, water and gas pipes,..... 433, 434
Washington Gas-Light Company,
charter amended as to price of gas,.... 426
Washington Territory,
bona fide sale of university lands in, confirmed,..... 28
veto power of governor of, regulated,.. 135
appropriation for government in,..... 156
Indian service in,..... 179
payment to citizens for lands taken for Indian reservations in,..... 324
claims how allowed and paid,..... 432
appropriation,..... 432
territorial government in,..... 456
Indian service in,..... 558
Waste Paper,
money from sales of, to be deposited,... 516
Watchmen
and laborers, appropriations for,..... 159
Water,
appropriation for procuring at certain ports,..... 128
Water-Tax,
in Georgetown, D. C., provisions concerning,..... 133
Wax Tapers,
provisions of revenue law concerning, 482, 485
Weas,
appropriations for the,.....180, 181, 547
Weber, Jacob,
payment to,..... 594
Western Department,
appropriation for pay, bounty, &c., of men in,..... 1, 2
to whom money may be paid,..... 2
joint resolution to provide for deficiency, &c., in pay of officers, &c., in,..... 410

Western Pacific Railroad Company,
may issue six per cent. thirty year bonds, ... 504
assignment to, by central Pacific R. R. Co. notified and confirmed,..... 504
when to finish first twenty miles of road,..... 504
when to complete road,..... 504
West Virginia,
to have benefit of act, donating land to agricultural, &c., colleges,..... 47
judicial districts in, boundaries,..... 124
sessions of courts in,..... 124
records and files, where to be kept,..... 124
proceedings of court confirmed,..... 124
act admitting as a state, when to be in force,..... 731
post-routes established in,..... 321
Wetherill, Dr. Charles M.,
payment to, as chemist of agricultural department,.....585, 586
Wheeling, Va.,
local board of steamboat inspectors at, reëstablished, ... 514
law authorizing local inspectors of steamboats of, repealed,..... 120
Whipple, Ellen M.,
pension to,..... 599
Wichitas,
appropriations for the,.....177, 180, 557, 562
Widow
of certain officers, &c., to receive pension, ... 499
Wife
of person enlisted into military or naval service, to be free,..... 571
evidences of marriage,..... 571
Williams, Jesse,
land patent to issue to,..... 579
Williams, John,
account of, for wood, to be paid, ... 583
Wills,
fees for recording, in the District of Columbia, ... 194
Wines,
duties on,.....202, 203
Winnebagoes,
appropriations for the, 164, 171, 172, 544, 560
Winslow, Captain John A.,
his officers and men, thanks of congress to, for destruction of the "Alabama," 565
Wisconsin,
post-routes established in,.....320, 525
lands granted to, for military wagon-road to Lake Superior,..... 183
route of road,..... 183
mineral lands not granted,..... 183
lands granted in lieu of those previously disposed of,..... 183
how to be applied,..... 183
former grants not affected hereby,..... 183
state legislature to dispose of lands,.... 183
how only to be disposed of,....183, 184
road to be public highway, free of toll, &c., to troops, &c., of United States,. 183
patents not to be granted until ten miles of road completed,..... 184
lands to revert, if, &c.,..... 184
road, how to be constructed,..... 184
lands granted to, to aid in constructing railroad from Saint Croix River or Lake to Lake Superior,..... 66
from Tomah to Saint Croix River or Lake,..... 66
Wisconsin, (continued.)
from Portage City, or Fon du Lac, to Bayfield,..... 67
if lands hereby granted have been before reserved, preëmpted, &c., other lands to be given in lieu thereof,.....66, 67
lands not to be located more than twenty miles from lines of road,.....66, 67
minimum price of lands not granted, 67
time for completion of other roads extended,..... 67
lands formerly granted, and mineral lands, not within this grant,..... 67
when state has completed twenty consecutive miles of road, patents to issue for lands on either side,..... 67
governor of state to give certificate to Secretary of Interior,..... 68
lands to be used only for purposes of road, ... 68
road to be a public highway,..... 68
to be completed within ten years,.. 68
if not, lands unsold to revert to the United States,..... 68
property and troops of the United States to be transported over, free of toll,..... 68
to be charged with proceeds of sales of certain lands granted Milwaukie and Rock River Canal,..... 413
to be credited with what,..... 413
commissioner of general land-office to adjust accounts,..... 413
terms of circuit and district courts in,... 199
papers of district courts to be transferred to circuit court,..... 199
grant of public lands to, to aid in construction of certain railroads,.....520, 521
See *Michigan.*
Wiswall, Noah,
accounts of heirs, &c., of, with the United States, to be adjusted and paid, ... 575
Withdrawal,
of goods from public stores, &c., time for, extended,..... 12
of goods from bonded warehouses, &c., time for, extended,..... 420
Witness,
in actions by or against guardians, executors, &c., neither party to be, unless, &c.,..... 533
for the government, to attend before provost-marshals, &c., without tender of fees,..... 9
drafted men to have process for,..... 9
attendance of, may be required, upon hearing of appeals, under the internal revenue law,..... 229
attendance and mileage, how paid,..... 229
no exclusion of, on account of color, or in civil actions, on account of interest, in United States Courts,..... 351
in District of Columbia,.....374, 375
attendance of, in investigations to prevent fraud in trading, &c., with rebels,..... 378
persons interested in fines, penalties, &c., may be witnesses,..... 442
the examination not to deprive the witness of his share of the fine,..... 422
Wolcott, Rhoda,
pension to,..... 581
Woodbridge, Eliza Cass,
pension to,..... 585

Wood, E. F. and Samuel A.,
duplicates of certain Oregon war bonds to be issued to, upon their giving the usual indemnity,.....577, 578
Woodhull, Maxwell V. Z.,
payment to,..... 590
Wool, and Manufactures of,
duties on,.....206, 207
Wormer, Daniel,
payment to, for materials furnished,.... 578
Worsted and Manufactures of,
duty on,..... 208

Y.

Yakamas,
appropriations for the,.....173, 552
Yanctons,
appropriations for the,.....172, 551
Yards and Docks,
appropriations for bureau of,.....81, 463
Yo-Semite Valley,
grant of, to California,..... 325
Young Men's Christian Association of the City of Washington,
resolution incorporating,..... 411