uniform rule of naturalization; and to repeal the acts heretofore passed on that subject."

After an alien shall have complied with certain directions his widow and children made citizens of the U. States.

Sec. 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XLVIII.—*An Act in relation to the Navy Pension Fund.*

Act of March 2, 1799, ch. 24, sec. 9, 10. Act of April 23, 1800, ch. 33, sec. 9, 10. Act of April 16, 1816, ch. 58. Act of March 3, 1817, ch. 60. Act of March 3, 1819, ch. 79.

Money arising from captures, not already paid over, to be paid to the treasurer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the money accruing or which has already accrued to the United States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as commissioners of the navy pension fund, shall be paid to the treasurer of the United States.

How the money is to be disbursed by the treasurer.

A distinct quarterly account of it to be rendered.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer of the United States, to receive all the money so accruing, and to disburse the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account of the monies thus received and disbursed shall be rendered by the said treasurer to the accounting officers of the treasury, in the same manner as is provided for other public monies received by him.

Accountant of the navy to receive and settle all navy pension accounts, and report the same.

Sec. 3. *And be it further enacted*, That it shall be the duty of the accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report from time to time, all such settlements, as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts.

Comptroller authorized to institute suits for prize money.

Sec. 4. *And be it further enacted*, That the comptroller of the treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of monies due to the United States.

Commissioners of the navy pension fund may appoint a secretary. His duties and emoluments.

Sec. 5. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized to appoint a secretary, who shall perform all such duties in relation to the fund, as they shall require of him; and shall receive for his services, a salary not exceeding two hundred and fifty dollars per annum, to be paid quarter yearly at the treasury of the United States, and charged to the same fund.(*a*)

(*a*) See note to chapter 53, *post*, page 297, Navy Pension Fund. By an act passed 10th July, 1832, Congress authorized the appointment of a separate and permanent navy agent at Washington, and directed the performance of the duties, "not only for the navy yard in the City of Washington, but from the navy department, under the direction of the Secretary of the Navy, in the payment of such accounts and claims as the secretary may direct." These duties would not have been so specially stated in this act, if they had been considered by Congress as coming within the ordinary duties of an agent of the navy yard at Washington, under the act of 1804. But independent of this consideration, it is enough to know, that the duties in question were discharged by the defendant, under the construction given to the law by the Secretary of the Navy. United States *v.* Macdaniel, 7 Peters, 1.

The United States instituted a suit to recover a balance charged on the books of the treasury department, against the defendant, who was a clerk in the navy department, upon a fixed annual salary, and acted as agent for the payment of moneys due to the navy pensioners, the privateer pensioners, and for navy disbursements, for the payment of which, funds were placed in his hands by government. He claimed these commissions at the treasury, and the claim had been there rejected by the accounting offi-

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Commissioners to make rules and regulations for the admission of pensioners.

Sec. 6. *And be it further enacted*, That the commissioners of the navy pension fund be, and they are hereby authorized and directed to make such regulations, as may to them appear expedient, for the admission of persons on the roll of navy pensioners, and for the payment of the pensions.

Approved, March 26, 1804.

Statute I.

March 26, 1804.

Chap. XLIX.—*An Act to erect a Lighthouse at the mouth of the Mississippi river, and also a Lighthouse at or near the pitch of Cape Lookout, in the state of North Carolina; and a beacon at the north point of Sandy Hook.*

Lighthouse to be built at the Mississippi under contract to be approved by the President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under the direction of the President of the United States, it shall be the duty of the Secretary of the Treasury to provide by contract, to be approved by the President, for building a lighthouse at the mouth of the river Mississippi, on such site as the President of the United States may deem most proper for the convenience and accommodation thereof.

Lighthouse to be built at or near the pitch of Cape Lookout in North Carolina, under contract to be approved by the President.

Jurisdiction of the soil to be first conveyed to the United States.

Lighthouses at both places to be provided with keepers, &c. &c.

Sec. 2. *And be it further enacted*, That as soon as land sufficient shall be obtained at a reasonable price for the purpose and the jurisdiction of the land so to be obtained shall have been ceded to the United States by the state of North Carolina, it shall be the duty of the Secretary of the Treasury, to provide by contract, for building a lighthouse on or near the pitch of Cape Lookout, in the said state of North Carolina, which contract shall be approved by the President of the United States; and it shall be the duty of the said secretary to furnish the said lighthouses on Cape Lookout and the mouth of the Mississippi with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same. And the President is hereby authorized to make such appointments.

Appropriation for the foregoing purposes.

Sec. 3. *And be it further enacted*, That the sum of twenty-five thousand dollars be, and is hereby appropriated for the purpose of defraying the charges and expenses which shall accrue in consequence of the two first sections of this act, to be paid out of any monies in the treasury not otherwise appropriated.

A beacon to be erected at the north point of Sandy Hook.

Appropriation.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the fee of the soil shall have vested in the United States, to cause a beacon to be erected on the north point of Sandy Hook, and the sum of two thousand dollars out of any unappropriated monies is hereby appropriated for that purpose.

Approved, March 26, 1804.

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cers, and if they had allowed the same, he was not now indebted to the government. The United States, on the trial of the case in the circuit court, denied the right of the defendant to these commissions, as they had not been allowed to him by any department of the government, and asserted that the jury had not power to allow them on the trial. By the Court—The rejection of the claim to commissions by the treasury department, formed no objection to the admission of it as evidence of offset before the jury. Had the claim never been presented to the department, it could not have been admitted as evidence by the court. But, as it had been made out in form and presented to the proper accounting officers, and had been rejected, the circuit court did right in submitting it to the jury, if the claim was considered as equitable. *Ibid.*

It would be a novel principle to refuse payment to the subordinates of a department because their chief, under whose direction they had faithfully served the public, had given an erroneous construction to the law. *Ibid.*

The Secretary of the Navy, in authorizing the defendant to make the disbursements on which the claim for compensation is founded, did not transcend those powers, which, under the circumstances of the case, he might well exercise. *Ibid.*