

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.

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

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.

Appropriation for the foregoing purposes.

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

Appropriation.

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.*

*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.

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.

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.

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.

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.*