

PUBLIC ACTS OF THE THIRTY-SEVENTH 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 Thursday, the fourth day of July, A. D. 1861, and ended on Tuesday, the sixth day of August, A. D. 1861.*

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice-President, and President of the Senate. SOLOMON FOOTE was elected President of the Senate, *pro tempore*, on the eighteenth day of July, and continued so to act until the close of the session. GALUSHA A. GROW, Speaker of the House of Representatives.

CHAP. I. — *An Act to refund and remit the Duties on Arms imported by States.*

July 10, 1861.

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 refund and remit the duties and imposts on all arms imported into the United States since the first day of May last, or which may be imported before the first day of January next, by, or for the account of any State: *Provided*, The Secretary of the Treasury shall be satisfied that the said arms are intended, in good faith, for the use of the troops of any State which is, or may be engaged in aiding to suppress the insurrection now existing against the United States.

Duties to be remitted on arms imported by States between May 1, 1861, and Jan. 1, 1862.

Proviso.

Post, p. 274.

APPROVED, July 10, 1861.

CHAP. II. — *An Act to provide for the Payment of the Militia and Volunteers called into the Service of the United States from the Time they were called into Service to the thirtieth Day of June, eighteen hundred and sixty-one.*

July 13, 1861.

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 five millions seven hundred and sixty thousand dollars, or so much thereof as may be necessary, to enable the Government to pay the militia and volunteers called into service of the United States, being an additional amount required for the fiscal year ending June thirtieth, eighteen hundred and sixty-one.

Appropriation for pay of volunteers.

APPROVED, July 13, 1861.

CHAP. III. — *An Act further to provide for the Collection of Duties on Imports, and for other Purposes.*

July 13, 1861.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to

When impracticable to collect duties at any port of entry in any

* This session was called by Proclamation of the President, dated April 15th, 1861. See Appendix, Proclamation, No. 3, *post*, p. 258.

district, they may be collected at any port of delivery in the same district.

Powers of surveyors at such ports.

Secretary of Treasury to appoint weighers, gaugers, &c.

Limits of ports to be established.

Laws to apply to such ports.

When duties cannot be collected at any port of entry or delivery in any district, the custom-house may be established, &c.

Residence and duty of collector.

Vessel may change her destination to unobstructed port.

Secretary of the Treasury to make regulations.

Vessel or cargo not to be taken from custody of officers of customs, unless, &c.

Use of military and naval force authorized.

Ports of entry may be closed in certain cases.

Notice to be given.

Effect of such discontinuance.

execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers, and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted*, That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way, and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district in the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And, provided further*, That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted*, That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. *And be it further enacted*, That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing sections of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such

obstructions; 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 enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted*, That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States: *Provided, however*, That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules and regulations; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted*, That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted*, That in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted*, That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act enti-

The President, in certain cases, may declare the inhabitants of a State, &c. to be in a state of insurrection.

1795, ch. 36, § 2. Vol. i. p. 424.

1861, ch. 32. Post, p. 284

Commercial intercourse thereupon to cease.

Certain goods to be forfeited.

President may permit intercourse in certain cases, and under regulations.

Officers of customs may be appointed; their pay, &c.

Vessels belonging to those in insurrection, when to be forfeited.

The navy may be used to execute the revenue laws.

Remission of penalties.

1797, ch. 13.
Vol. i. p. 506.

In what courts
forfeitures may be
enforced.

tled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

APPROVED, July 13, 1861.

July 17, 1861.

CHAP. IV. — *An Act to provide for the Appointment of Assistant Paymasters in the Navy.*

Grade of assist-
ant paymaster in
the navy estab-
lished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of assistant paymaster in the navy of the United States be, and hereby is, established, and that from and after the passage of this act the President of the United States, by and with the advice and consent of the Senate, may appoint assistant paymasters from time to time, as they shall be needed for active service in the navy, not exceeding thirty-six in number.

Number.

Qualifications.

SEC. 2. *And be it further enacted*, That every person who shall be appointed assistant paymaster shall at the time of his appointment, be not less than twenty-one years of age, nor more than twenty-six years; and that, previous to his appointment, his physical, mental, and moral qualifications shall be inquired into and favorably reported upon by a board of paymasters appointed for that purpose by the Secretary of the Navy, and under such regulations as he may prescribe.

Pay.

SEC. 3. *And be it further enacted*, That the annual pay of assistant paymaster shall be as follows, viz.:

On duty at sea, for the first five years after date of commission, one thousand three hundred dollars; after five years from date of commission, one thousand five hundred dollars.

On other duty, for the first five years after date of commission, one thousand dollars; after five years from date of commission, one thousand two hundred dollars.

On leave of absence or waiting orders, for the first five years after date of commission, eight hundred dollars; after five years from date of commission, one thousand dollars; and when attached to vessels for sea service, each assistant paymaster shall be entitled to one ration per day.

Commanding
officers of vessels
not required to
act as paymas-
ters, &c.

SEC. 4. *And be it further enacted*, That from and after the passage of this act no commanding officer of any vessel in the navy shall be required to perform the duties of paymaster or assistant paymaster; and when such office shall become vacant, by death or otherwise, in ships at sea or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person to perform the duties until another paymaster or assistant paymaster shall report for duty. Any person performing the duties of paymaster or assistant paymaster in accordance with this section (but not otherwise,) shall be entitled to receive the pay of such grade whilst so acting.

Vacancies in
office of paymas-
ter, how filled.

Pay of acting
paymaster, &c.

Bond of assist-
ant paymasters.

Rank.

Paymasters to
be appointed
from assistants.

SEC. 5. *And be it further enacted*, That each assistant paymaster shall, upon his appointment, enter into bonds in the amount of ten thousand dollars, with at least two good and sufficient securities, for the faithful performance of his duties, and that assistant paymasters shall have rank and precedence with assistant surgeons not passed, and that all appointments to fill vacancies in the corps of paymasters shall be made by regular promotion from the list of assistant paymasters.

Future reduc-

SEC. 6. *And be it further enacted*, That within six months after the expiration of the present insurrection, the corps of paymasters and as-