

Arizona, on a reservation set apart for them by section first, act of March third, eighteen hundred and sixty-five, including the expense of constructing a canal for irrigating said reservation, fifty thousand dollars.

For actual necessary expenses incurred, and that may hereafter be incurred by officers of the Indian department in the rescue of prisoners from Indian tribes and returning them to their homes, and for expenses incident to the arrest and confinement within the territory of the United States, by order of such officers, of persons charged with crimes against the Indians, five thousand dollars.

SEC. 2. *And be it further enacted*, That no moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are herein made, or for which appropriations shall hereafter be made, shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, shall have engaged in hostilities against the United States, or against its citizens peacefully and lawfully sojourning or travelling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress; and it shall be the duty of the commissioner of Indian affairs to report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which shall have occurred since his next preceding report.

SEC. 3. *And be it further enacted*, That it shall hereafter be the duty of the officer in charge of the Indian bureau to report separately to Congress, at the commencement of each December session, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much paid to him, and for what objects, so far as they relate to the disbursement of the funds hereinbefore, or which shall be hereafter, appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report.

SEC. 4. *And be it further enacted*, That hereafter, whenever a vacancy shall occur in the office of any Sub-Indian agent whose salary or compensation exceeds one thousand dollars per annum, the same shall only be filled by some person to be appointed by the President, by and with the advice and consent of the Senate, except, if such vacancy shall occur in the recess of the Senate, the same may be temporarily filled by some person to be commissioned by the President and who shall hold his office until the end of the next session.

SEC. 5. *And be it further enacted*, That the sum hereinbefore appropriated to the Miamies of Indiana, or which shall hereafter be appropriated to them, shall only be paid to such persons as may be, upon the opinion of the Attorney-General, legally entitled to the same under the provisions of the treaty with said Indians of June fifth, eighteen hundred and fifty-four, and Senate amendments thereto, regardless of any subsequent legislation.

APPROVED, March 2, 1867.

CHAP. CLXXIV. — *An Act to amend certain Acts in Relation to the Navy.*

March 2, 1867.

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 grade of vice-admiral in the United States navy," approved December twenty-one, eighteen hundred and sixty-four, as provides that the vice-admiral shall be the ranking officer in the navy of the United States, shall be considered as having been repealed by the act approved July twenty-five, eighteen hundred and sixty-six, establishing the grade

dians in Arizona, and canal for irrigation.

1865, ch. 127.

Vol. xiii. p. 559.

Rescue of prisoners from Indians, and arrest of persons charged with crimes against Indians.

No money or annuity to be paid to any Indian tribe engaged in hostilities against the United States, &c. since, &c.;

nor until new appropriations are made.

Commissioner to report to Congress any case of hostilities by any tribe.

Officer in charge of Indian bureau to report to Congress tabular statement of separate objects of expenditure, &c.

Appointment of Sub-Indian agents whose salaries are over \$1000 a year

Appropriations for Miamies of Indiana, to whom to be paid.

Vol. x. p. 1095.

Admiral to be the ranking officer of navy.

1864, ch. 6.

Vol. xiii. p. 420.

1866, ch. 231.

Ante, p. 222.

Rank, pay, and allowances of secretary of admiral.

Cadet engineers; restrictions as to age and certain qualifications when appointed removed.

1864, ch. 252, §§ 3, 4.

Vol. xiii. p. 393.

Officers of volunteer naval service transferred to regular navy or marine corps to be credited with their sea service.

Marine officers.

Storekeeper at Naval Academy, how to be detailed;

may procure clothing, &c. for midshipmen.

Summary courts-martial on petty officers and persons of inferior ratings.

1855, ch. 136.

Vol. x. p. 627.

Sentence.

Disabled persons, who have served as enlisted persons in the navy or marine corps for twenty years, to receive from naval pension fund half of their rating when discharged.

1862, ch. 204,

§ 11.

Vol. xii. p. 607.

How and by whom to be paid.

Such persons so serving for not less than ten years, &c. may apply for aid from surplus income of naval pension fund.

of admiral, who shall be the ranking officer of the navy; and the sixth section of the act last named is hereby so amended that the secretary of the admiral shall be entitled to the rank, sea pay and allowances of a lieutenant in the navy, such pay and allowances to date from the acceptance of his appointment, deducting any pay already received by him under said appointment.

SEC. 2. *And be it further enacted*, That so much of the "Act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July four, eighteen hundred and sixty-four, as provides that cadet engineers, when appointed, shall be under eighteen years of age, and shall have been employed at least two years in the actual fabrication of steam machinery, is hereby repealed.

SEC. 3. *And be it further enacted*, That the officers of the volunteer naval service who are, or may be, transferred to the regular navy, or marine corps, shall be credited with the sea service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been during such service in the regular navy or marine corps; and all marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

SEC. 4. *And be it further enacted*, That the storekeeper at the naval academy shall hereafter be detailed from the paymasters' corps of the navy, and he shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessities for the midshipmen, in the same manner as supplies are now furnished the navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy.

SEC. 5. *And be it further enacted*, That the fourth section of the "Act to provide a more efficient discipline for the navy," approved March second, eighteen hundred and fifty-five, be, and hereby is, so amended that the authority therein given to the commander of any vessel in the navy to convene summary courts-martial, shall require the approval of the proceedings by the commander-in-chief, when present in port, and, in his absence, that of the senior officer present, in all cases before carrying the sentence into execution; and in all cases where the sentence involves loss of pay, that part of such sentence shall be subject to the approval or disapproval of the Secretary of the Navy.

SEC. 6. *And be it further enacted*, That, to carry out the provisions of the eleventh section of the "Act for the better government of the navy of the United States," approved July seventeen, eighteen hundred and sixty-two, directing the surplus income from the naval pension fund to "be applied to the making of further provision for the comfort of disabled officers, seamen, and marines," there shall be paid out of said fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person in the navy or marine corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the naval asylum, Philadelphia, if he shall so elect, a sum equal to one half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the commissioner of pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this act, shall certify the same to the commissioner of pensions, and said certificate shall be his warrant for making payment as herein authorized. *And provided further*, That any disabled person who has served in the navy or marine corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval

officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy and certificate thereof to the commissioner of pensions, the amount shall be paid in the same manner as is provided in this section for the payment to persons disabled by long service in the navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one fourth the rate of such pension.

Board to examine applicants.

Limit of allowance.

SEC. 7. *And be it further enacted*, That the commandant of the marine corps shall have the rank and pay of a brigadier-general of the army.

Rank and pay of commandant of marine corps.
Number of midshipmen in Naval Academy.

SEC. 8. *And be it further enacted*, That the number of midshipmen allowed at the naval academy shall be one for every member and delegate of the House of Representatives, one for the District of Columbia, ten appointed annually at large, and ten to be selected annually from boys enlisted in the navy, and who have been one year in the service on board a naval vessel, should so many be found qualified: *Provided, however*, That the reduction in the number of midshipmen herein provided for shall not affect any already appointed, nor any vacancy already existing: *And provided further*, That so much of the act of July fourteen, eighteen hundred and sixty-two, and of July sixteen, eighteen hundred and sixty-two, as provides for the number of midshipmen that may be appointed to the naval academy be, and the same is hereby, repealed.

Reduction not to affect present appointments or vacancies.

Repeal of part of acts 1862, ch. 164, and ch. 183, § 11, vol. xii. pp. 565, 585.

SEC. 9. *And be it further enacted*, That officers on the retired and reserved lists of the navy shall be entitled to promotion as their several dates upon the active list are promoted; but such promotion shall not entitle them to any pay beyond that to which they were entitled when retired, unless upon active duty, when they shall receive the full pay of their respective grades: *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade the full number allowed by law.

Promotion of officers on retired and reserved lists.

Pay. Proviso.

APPROVED, March 2, 1867.

CHAP. CLXXV. — *An Act relating to Brevets in the Army of the United States.*

March 2, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, with the advice and consent of the Senate, to confer brevet rank on officers in the army of the United States, on account of gallant, meritorious, or faithful conduct in the volunteer service, prior to appointment in said army of the United States.

Brevet rank may be conferred on officers in the army for gallant conduct, &c. in the volunteer service.

APPROVED, March 2, 1867.

CHAP. CLXXVI. — *An Act to establish a uniform System of Bankruptcy throughout the United States.*

March 2, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several district courts of the United States be, and they hereby are, constituted courts of bankruptcy, and they shall have original jurisdiction in their respective districts in all matters and proceedings in bankruptcy, and they are hereby authorized to hear and adjudicate upon the same according to the provisions of this act. The said courts shall be always open for the transaction of business under this act, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time, and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court. And the jurisdiction hereby conferred shall extend to all cases and controversies arising

District courts of the United States made courts of bankruptcy.

Jurisdiction.

Courts always open.

Authority of judge in term time or vacation.