

exceeding the number of five at each of the said branches, such wages and allowances shall be paid as are customary and reasonable, according to their respective stations and occupations. And for the purpose of paying the said salaries, wages, allowances, and the incidental expenses of the said branches of the mint, for the year one thousand eight hundred and thirty-five, the following sums, to be paid out of any money in the treasury not otherwise appropriated, be, and the same hereby are, appropriated: for the branch at New Orleans, the sum of thirty-five thousand dollars; for the branches at Charlotte and Dahlohnega, the sum of fifteen thousand dollars each.

Appropriation for salaries, &c.

SEC. 3. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the duties thereof, shall take an oath or affirmation before some judge of the United States, faithfully and diligently to perform the duties thereof; 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 and the Secretary of the Treasury, with condition for the faithful and diligent performance of the duties of their offices.

Oath or affirmation of officers.

SEC. 4. *And be it further enacted*, That the general direction of the business of the said branches of the 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 require such returns, periodically, and occasionally, as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing the said branches; also, for the purpose of discriminating the coin which shall be stamped at each branch, and at the mint itself; also, for the purpose of preserving uniformity of weight, form, and fineness in the coins stamped at each place; and for that purpose, to require the transmission and delivery to him, at the mint, from time to time, such parcels of the coinage of each branch as he shall think proper to be subjected to such assays and tests as he shall direct.

General direction of branches to be under the director of the mint at Philadelphia.

SEC. 5. *And be it further enacted*, That all the laws, and parts of laws, made 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 the same are hereby, declared to be in full force, in relation to each of the branches of the mint by this act established, so far as the same shall be applicable thereto.

Laws for regulation of mint extended to the branches.

APPROVED, March 3, 1835.

STATUTE II.

CHAP. XL.—*An Act in amendment of the acts for the punishment of offences against the United States.* (a)

March 3, 1835.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any one of more of the crew of any American ship or vessel on the high seas, or on any other

Revolt and mutiny on board a vessel to be punished by fine and

(a) *Revolt.*

Where there is a deviation from the voyage in the shipping articles, a refusal of the seamen, subsequently, to do duty on that account, does not amount in law to an endeavour to commit a revolt, under the act of Congress of 1835, ch. 40, sec. 2. *United States v. John Mathews*, 2 Sumner's C. C. R. 470.

To sustain an indictment for an endeavour to make a revolt, under the act of Congress of 1835, ch. 40, sec. 2, a confederacy or combination must be shown, between two or more of the seamen, to refuse to do further duty on board of the ship, and to resist the lawful commands of the officers. *The United States v. Alfred Cassidy et al.*, 2 Sumner's C. C. R. 582.

The contract of seamen for the voyage is not suspended or extinguished by the death, removal, or resignation of the original master; but they are bound to perform the voyage under any person who is lawfully substituted in his place. *Ibid.*

If a person substituted as master be grossly incompetent to the duties of his station, from want of

imprisonment,
and not as a ca-
pital offence.

1790, ch. 9.

Punishment for
an endeavour to
make a revolt or
mutiny, &c.

Punishment of
master or other
officer for mal-
treating one or
more of the
crew.

waters within the admiralty and maritime jurisdiction of the United States, shall unlawfully, wilfully, and with force, or by fraud, threats, or other intimidations, usurp the command of such ship or vessel from the master or other lawful commanding officer thereof, or deprive him of his authority and command on board thereof, or resist or prevent him in the free and lawful exercise thereof, or transfer such authority and command to any other person not lawfully entitled thereto, every such person so offending, his aiders or abettors, shall be deemed guilty of a revolt or mutiny and felony; and shall, on conviction thereof, be punished by fine not exceeding two thousand dollars; and by imprisonment and confinement to hard labour not exceeding ten years, according to the nature and aggravation of the offence. And the offence of making a revolt in a ship, which now is, under and in virtue of the eighth section of the act of Congress, passed the thirtieth day of April, in the year of our Lord one thousand seven hundred and ninety, punishable as a capital offence, shall, from and after the passage of the present act, be no longer punishable as a capital offence, but shall be punished in the manner prescribed in the present act, and not otherwise.

SEC. 2. *And be it further enacted*, That if any one or more of the crew of any American ship or vessel on the high seas, or any other waters, within the admiralty and maritime jurisdiction of the United States, shall endeavour to make a revolt or mutiny on board such ship or vessel, or shall combine, conspire or confederate with any other person or persons on board to make such revolt or mutiny, or shall solicit, incite or stir up any other or others of the crew to disobey or resist the lawful orders of the master, or other officer of such ship or vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust therein, or shall assemble with others in a tumultuous and mutinous manner, or make a riot on board thereof, or shall unlawfully confine the master, or other commanding officer thereof, every such person so offending shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

SEC. 3. *And be it further enacted*, That if any master or other officer, (a) of any American ship or vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, shall from malice, hatred or revenge, and without justifiable cause, beat, wound, or imprison, any one or more of the crew of such ship or vessel, or withhold from them suitable food and nourishment, or inflict upon them

skill or bad habits, or profligate and cruel behaviour, the seamen may be justified in refusing to do duty or to remain by the ship. *Ibid.*

The act of 1835, ch. 40, provides, "That if any one or more of the crew of an American ship or vessel on the high seas, &c., shall endeavour to make a revolt, &c., he and they shall be punished as provided in the act." Held, that a ship engaged in a whaling voyage, without having surrendered her register, or taken out an enrolment and license pursuant to the act of 1793, ch. 8, was not an American ship, within the purview of the act of 1835, ch. 40, and that an indictment would not hold, under this act, against the crew, for an endeavour to make a revolt. *The United States v. Rogers*, 3 Sumner's C. C. R. 342.

(a) The act of Congress of 1835, ch. 40, sec. 3, for the punishment of certain maritime offences, provides, "that if any master or other officer of an American ship or vessel shall, from malice, hatred, or revenge, and without justifiable cause, beat, wound or imprison any one or more of the crew of such ship or vessel," &c., he shall be punished in the manner stated in the act. Held, that "malice," in the sense of the act, signified wilfulness, or a wilful intention to do a wrongful act, and that to authorize a conviction under this act, two things must be shown: first, malice, or hatred, or revenge; and, secondly, a want of justifiable cause to inflict the injury. *United States v. Otis Taylor*, 2 Sumner's C. C. R. 584.

The master, when on board, has generally the sole authority to authorize punishment to be inflicted on any of the crew, and if he is present when punishment is inflicted by a subordinate officer, and can prevent it, and does not, he is personally responsible for the act; and neither the mate nor any subordinate officer has authority to punish any seaman, even for improper behaviour to himself personally, when the master is on board, except by authority, express or implied, by the master, or when the necessities of the service require instantaneous punishment, as by blows or otherwise, to compel a seaman to his duty. *Ibid.*

In the absence of the master, the next highest officer on board succeeds to his right and authority, pro tempore, so far as they are necessary for the due performance of the ship's duties. *Ibid.*

any cruel and unusual punishment, every such person so offending shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

SEC. 4. *And be it further enacted*, That whenever any person indicted for any offence against the United States, whether capital or otherwise, shall upon his arraignment stand mute, or will not plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party shall plead not guilty, or such plea shall be entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury. And in all trials in capital cases, if the party indicted shall peremptorily challenge above the number of jurors allowed by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if the same [said] challenges had not been made.

SEC. 5. *And be it further enacted*, That whenever any person shall be convicted of any offence against the United States which is punishable by fine and imprisonment, or by either, it shall be lawful for the court by which the sentence is passed, to order the sentence to be executed in any house of correction, or house of reformation for juvenile delinquents within the state or district where such court is holden, the use of which shall be allowed and authorized by the legislature of the state for such purpose. And the expenses attendant upon the execution of such sentence shall be paid by the United States.

APPROVED, March 3, 1835.

Procedure in case a person arraigned shall stand mute, &c.

Challenge.

Court may order sentence to be executed in house of correction, &c.

STATUTE II.

March 3, 1835.

[Obsolete.]

Appropriations for roads from

CHAP. XLI.—*An Act making appropriations for certain roads, and for examinations and surveys, for the year one thousand eight hundred and thirty-five.*

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 unappropriated money in the treasury, for certain roads, and for making examinations and surveys, for the year one thousand eight hundred and thirty-five, viz :

For the road from Detroit to fort Gratiot, three thousand dollars.

For the road from Detroit to Saganaw bay, ten thousand dollars.

For the road from Detroit to Grand river of Lake Michigan, twenty-five thousand dollars.

For the road from Detroit towards Chicago, in the territory of Michigan, ten thousand dollars.

For the road from La Plaisance bay to intersect the road to Chicago, within the territory of Michigan, ten thousand dollars.

For the construction of a road from a point opposite to Memphis, to Wm. Strong's house, on the St. Francis river, in the territory of Arkansas, in addition to the balance of former appropriation, one hundred and six thousand dollars.

For defraying the expenses incidental to making examinations and surveys under the act of thirtieth of April, eighteen hundred and twenty-four, twenty-five thousand dollars.

For repairing the military road in Florida, from Pensacola to Tallahassee, and thence to St. Augustine, fifteen thousand dollars.

For the payment of Isaiah Frost, for work heretofore done by him, on the Cumberland road, the sum of three hundred and twenty dollars.

APPROVED, March 3, 1835.

Detroit to fort Gratiot ;
 Detroit to Saganaw ;
 Detroit to Grand river ;
 Detroit towards Chicago ;
 La Plaisance bay to Chicago road ;
 Memphis to St. Francis river.

Examinations and surveys. 1824, ch. 46.

Road from Pensacola to Tallahassee.
 Payment of Isaiah Frost.