

lieutenant, ensign, or cornet, two rations; a surgeon, as well hospital as regimental, three rations; a surgeon's mate, two rations; a deputy quartermaster, two rations; a principal, and second, artificer, each, two rations; a chaplain, two rations; or money in lieu thereof, at the option of the said officers, at the contract price, at the posts, respectively, where the rations shall become due.

Money in lieu of rations.

Monthly rate of allowance, instead of forage, to the officers mentioned.

SEC. 12. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: The major-general, twenty dollars; the brigadier-general, sixteen dollars; lieutenant-colonel, twelve dollars; quartermaster-general, adjutant-general, and surgeon-general, each, twelve dollars; major, ten dollars; aid-de-camp, brigade-major, and surgeon, each, ten dollars; captain of cavalry, eight dollars; chaplain and surgeon's mate, each, six dollars; deputy-quartermaster, and subalterns of cavalry, each, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

Officers, non-commissioned officers, privates, &c. wounded or disabled, &c. to be placed on the list of invalids, &c.

Proviso; rate of compensation to a commissioned officer not to exceed half pay, &c. that to privates not to exceed five dollars per month.

Proviso; allowance for inferior disabilities in proportion.

Officers and soldiers to be governed by the rules and articles of war, &c.

SEC. 13. *And be it further enacted*, That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 14. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled,* as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

Officers and soldiers to take and subscribe an oath
Form of oath.

SEC. 15. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them, honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders

*See chapter 2, with its supplements, 3, 4, 6, 8.

of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 16. *And be it further enacted*, That it shall be lawful for the President of the United States to arm the troops aforesaid, whether riflemen, artillerymen, dragoons, or infantry, as he shall think proper; and that it be also lawful for him to forbear to raise, or to discharge after they shall be raised, any part thereof, in case events shall, in his judgment, render his so doing consistent with public safety, and general convenience and economy.

The President to arm the troops as he may think proper.

The President may forbear to raise, or discharge the troops, in case, &c.

SEC. 17. *And be it further enacted*, That every person who shall procure, or entice, a soldier in the service of the United States to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier his arms, or his uniform clothing, or any part thereof, and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term not exceeding one year.

Persons procuring soldiers to desert, &c. or captains of vessels receiving deserters, &c. subject to fine or imprisonment.

SEC. 18. *And be it further enacted*, That the several acts, entitled "An act for regulating the military establishment of the United States;"* "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"† "An act for making further and more effectual provision for the protection of the frontiers of the United States;"‡ be, and the same are hereby, repealed; and also so much of any act or acts of the present session, as comes within the purview of this act: *Provided always*, That nothing in this section contained shall be so construed as to vacate the commissions which have been issued, or any appointments, or enlistments which have been made, in pursuance of the acts herein repealed.

The acts mentioned, repealed.

Proviso; nothing in this section to vacate commissions or enlistments, &c.

[Approved March, 3, 1795.]

CHAPTER 25.

An act allowing compensation for horses killed in battle belonging to officers of the army of the United States.§

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That every officer in the army of the United States,

Officers whose duty requires them to be on

*See chapter 12.
†See chapter 14.

‡See chapter 13.
§See chapters 178 and 179.

horseback in time of action, &c. allowed 200 dollars for each horse killed.

The provision in this act to have retrospective operation to the 4th March, 1789.

Proviso; no person to receive payment for any horse killed, until he make satisfactory proof, &c.

Proof of value, &c. the affidavit of the quartermaster, or two other credible witnesses.

whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. *And be it further enacted*, That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine; *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the secretary of war, that the horse, for which he claims compensation, was actually killed under such circumstances as to entitle him to this provision, in all cases which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. *And be it further enacted*, That the proof of the value, of such horse shall be, by the affidavit of the quartermaster of the corps to which the owner may belong, or of two other credible witnesses.

[Approved May 12, 1796.]

CHAPTER 26.

An act to ascertain and fix the military establishment of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act, entitled "An act providing for raising and organizing a corps of artillerists and engineers;"† two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

Organization of a regiment of infantry.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant-colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants,

*See act of the 3d March, 1797, chapter 27, and 16th July, 1798, chapter 37; also act of 16th March, 1802, chapter 49, which repealed and supplied this and the abovementioned acts.

†See chapter 20.

eight ensigns, two sergeant-majors, two quartermaster sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, That the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp; one brigadier-general, and two aids; a who may choose his brigade-major from the captains or sub-alterns of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters, and paymasters of regiments, shall be appointed from the subalterns of their respective regiments.

SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates, and musicians, of the legion of the United States, and light dragoons, in such manner as to form and complete out of the same the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates, and musicians, shall be considered, from and after the last day of October next, discharged from the service of the United States.

SEC. 5. *And be it further enacted*, That the corps of artillerists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.*

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artillerists, infantry, and dragoons, aforesaid, shall be entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist, for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty

A major-general, and two aids; a brigadier-general, &c.

Additional pay of brigade-major, &c.

The President to cause the officers and privates of the legion, &c. to be arranged so as to complete the four regiments, &c. out of them. The supernumeraries to be considered, &c. discharged.

The corps of artillerists and engineers to be completed, &c.

Commissioned officers employed in recruiting, to receive 2 dollars for every person enlisted of the description mentioned.

16 dollars bounty to soldiers re-enlisting for five years, &c.

A bounty of \$14 to persons not in the army enlisting. The payment of

* See chapter 20.

4 dollars of the bounty deferred, &c. of each and every man so enlisting, shall be deferred, until he shall have joined the corps in which he is to serve.

SEC. 8. And be it further enacted, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

SEC. 9. And be it further enacted, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

SEC. 10. And be it further enacted, That every non-commissioned officer, private, and musician, shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. Provided always, and be it further enacted, That to those in the military service of the United States, who, are, or shall be, employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

SEC. 12. And be it further enacted, That the monthly pay of the officers, non-commissioned officers, musicians, and privates, of the military establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry, fifty dollars; paymaster, adjutant, and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

SEC. 13. And be it further enacted, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel commandant, six rations; a quartermaster,

inspector, and paymaster generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts, respectively, where the rations shall become due; and if, at such posts, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

SEC. 14. And be it further enacted, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums; per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector, and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each, six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant, and regimental quartermaster, each, six dollars.

SEC. 15. And be it further enacted, That every person who shall procure or entice a soldier, in the service of the United States, to desert, or who shall purchase, from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term not exceeding one year.

SEC. 16. And be it further enacted, That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

SEC. 17. And be it further enacted, That if any non-commissioned officer, musician, or private, shall desert from the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court-martial, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

SEC. 18. And be it further enacted, That the sentences of general courts-martial, in time of peace, extending to the loss

Monthly allowance in lieu of forage, to the officers mentioned.

Not exceeding 300 dolls. fine or one year imprisonment, for enticing a soldier to desert, purchasing his arms, &c. or for a captain of a vessel entering a deserter among his crew, &c.

No non-commissioned officers and privates subject to arrest for a sum under \$20. Non-commissioned officers or privates deserting, liable, in addition to penalties, &c. to serve such period as will amount to the full term of enlistment; and may be tried, although, &c.

Sentences of general courts-martial, in time

of peace, extending to the loss of life, or which, in peace or war, respect a general officer, to be laid before the President, &c.

of life, the dismissal of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.*

Officers and soldiers wounded in the line of duty, &c. to be placed on the list of invalids, &c.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States, for the time being; *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

Proviso; the rate of compensation to a commissioned officer not to exceed half pay, &c.

The rate, &c. to non-commissioned officers and privates, not to exceed five dollars per month.

Officers and soldiers to be governed by the rules and articles of war, except, &c.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war which have been established by the United States, in congress assembled,† (except so much of the same as is by this act altered or amended,) as far as the same may be applicable to the constitution of the United States; or by such rules and articles as may hereafter by law be established.

Officers and soldiers to take and subscribe an oath.

Form of the oath.

SEC. 21. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A B, do solemnly swear, or affirm, (as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Acts in force, & within the purview of this act, repealed; saving, &c.

SEC. 22. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby, repealed: saving, nevertheless, such parts thereof as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

The general staff, &c. to continue in service until the 4th March, 1797.

SEC. 23. *And be it further enacted*, That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer.

[Approved, May 30, 1796.]

* See chap. 8, art. 2, and rules and articles of war, chap. 53, art. 65.
† See chapter 2, and its supplements.

CHAPTER 27.

An act to amend and repeal, in part, the act, entitled "An act to ascertain and fix the military establishment of the United States."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, entitled "An act to ascertain and fix the military establishment of the United States,"* together with all other parts thereof, which relate to provision made for the major-general and his staff, be repealed: and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

SEC. 2. *And be it further enacted*, That there shall be one brigadier-general, who may choose his brigade-major and inspector from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and, whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge-advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

SEC. 3. *And be it further enacted*, That there shall be one quartermaster general, and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: That to the brigadier, while commander-in-chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

SEC. 5. *And be it further enacted*, That the majors be entitled to receive four rations per day, for their subsistence.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

[Approved, March 3, 1797.]

* See chapter 26.

CHAPTER 28.

An act to provide for the further defence of the ports and harbors of the United States.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding one hundred and fifteen thousand dollars.

SEC. 2. *And be it further enacted,* That the said appropriation shall be paid and discharged out of the surplus of the revenue and income beyond the appropriations heretofore charged thereon.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby, empowered to authorize any of the states which were found indebted to the United States, in a settlement of the accounts between them and the respective states, to expend, under his direction, the sums respectively due from them, in fortifying their ports and harbors; and the sums which may be so expended, shall be passed to the credit of the said states, on account of the balances found and reported, by the commissioners for settling the accounts between the United States and the individual states, to be due from the said states to the United States: *Provided,* The said states shall and do cede to the United States, the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states.†

[Approved, June 23, 1797.]

CHAPTER 29.

An act to provide for the widows and orphans of certain deceased officers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the provisions for widows and orphans of commissioned officers of the troops of the United States, contained in the first section of the law passed on the seventh day of June, one thousand seven hundred and ninety-four, entitled "An act in addition to the act making further and more effectual provision for the protection of the frontiers of the United States," be, and the same are hereby, extended to the widows and orphan children of commissioned officers of the troops of the United States, and of the militia, who have died by reason of wounds received since the fourth day of March,

* See supplemental act, chapter 31.

† This proviso repealed by act of 3d May, 1798—see chapter 31, section 3.

‡ See chapter 22, section 1.

one thousand seven hundred and eighty-nine, in the actual service of the United States: *Provided,* application shall be made within two years after the end of the present session of Congress. *Provided* application be made within two years.

[Approved, March 14, 1798.]

CHAPTER 30.

An act to provide an additional regiment of artillerists and engineers.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That an additional regiment of artillerists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of five years, unless sooner discharged, and to be organized as follows, that is to say: there shall be one lieutenant-colonel commandant, one adjutant, one surgeon, and three battalions, each to consist of one major, one adjutant and paymaster, one surgeon's mate, and four companies, of one captain, two lieutenants, two cadets, with the pay, clothing, and rations, of a sergeant, four sergeants, four corporals, forty-two privates, sappers and miners, ten artificers, to serve as privates, and two musicians, in each company.

SEC. 2. *And be it further enacted,* That the additional regiment which shall be raised, pursuant to this act, shall be considered as a part of the military establishment of the United States, for the time being; and the commissioned officers, non-commissioned officers, privates, artificers, and musicians, who shall engage in the said regiment, shall be entitled to the same bounty, pay, and allowances, respectively, according to their corresponding ranks, as are, or shall be, by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred in such manner as the President of the United States shall direct, and shall and may be employed by him, in detachments, or otherwise, in the field, or the fortifications upon the sea coast, as, in his opinion, the public service shall require.

SEC. 3. *And be it further enacted,* That the secretary of war shall provide, at the public expense, under the direction of the President of the United States, all necessary books, instruments, and apparatus, for the use and benefit of the said regiment.

[Approved, April 27, 1798.]

* Repealed and supplied by act of 16th March, 1802—see chapter 49, sections 1, 2, 26 and 29.

CHAPTER 31.

An act supplementary to the act providing for the further defence of the ports and harbors of the United States.*

250,000 dollars additional, appropriated for fortifications.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a sum not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, remaining unexpended, shall be, and is hereby, appropriated, and shall and may be paid out of any moneys not before appropriated, to make and complete, at the discretion of the President of the United States, the fortifications heretofore directed for certain ports and harbors, and to erect fortifications in any other place or places, as the public safety shall require, in the opinion of the President of the United States; and which other fortifications he is hereby authorized to cause to be erected, under his direction, from time to time, as he shall judge necessary.

States indebted to the U. S. finishing fortifications, &c. to have credit therefor.

SEC. 2. *And be it further enacted,* That where any state which was found indebted to the United States, by the report of the commissioners for settling the accounts between the United States and the individual states, shall, with the approbation of the President of the United States, proceed to finish or complete any fortifications heretofore commenced by such state, for the defence of any port or harbor within the same, or shall, under the direction of the President of the United States, make and erect any additional fortifications, pursuant to the act, entitled "An act to provide for the further defence of the ports and harbors within the United States,"† as well the previous expenditures, made since the twentieth day of March, one thousand seven hundred and ninety-four, which shall be approved by the President of the United States, as the expenditures which have been, or which shall be, directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid: *Provided,* That no expenditure exceeding the balance found and reported against the respective state, shall be allowed as aforesaid; and provided, that the fortifications for which the whole or any part of the expenditures shall be so allowed and credited as aforesaid, with their privileges and appurtenances, shall be, and shall be declared and established as, the property of the United States, while maintained by them.

Proviso; no expenditure exceeding balance due to be allowed, &c.

Proviso of the act of 23d June, 1797, repealed.

* Original, act of 23d June, 1797, chapter 28.

† See chapter 28.

‡ See chapter 28, sec. 3.

or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," shall be, and the same are hereby, repealed.

[Approved, May 3, 1798.]

CHAPTER 32.

An act to enable the President of the United States to procure cannon, arms, and ammunition; and for other purposes.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a sum, not exceeding eight hundred thousand dollars, shall be, and hereby is, appropriated, and shall and may be paid out of any moneys not before appropriated, under the direction of the President of the United States, to purchase, as soon as may be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the United States.

800,000 dollars appropriated to purchase cannon, small arms, &c.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized, in case he shall find it impracticable to procure by purchase, with certainty and despatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale, in fee, to the United States, one or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish foundries and armories, for the manufacture of the same, respectively, and shall cause suitable artizans and laborers to be there employed, for account of the United States; and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures, which shall be incurred in forming and employing these establishments, and of the cannon and arms which shall be cast and manufactured therein, respectively, shall be laid before the Congress of the United States, at their next session, and annually thereafter, so long as the same shall be continued.

The President may establish foundries and armories, &c.

Account of expenditures, to be laid before Congress, annually.

SEC. 3. *And be it further enacted,* That the sum of one hundred thousand dollars shall be, and hereby is, appropriated, and shall be paid out of any moneys not before appropriated, for the hire, purchase, and employ, of the said foundries and armories, respectively, in case such establishments shall be found necessary, as hereinbefore provided.

100,000 dollars, appropriated for the purposes of this act.

[Approved, May 4, 1798.]

* See act of 2d April, 1794, chap. 19; also chaps. 47, and 59.