

carries-general to give bonds with security, &c. That the apothecary-general and assistant apothecaries-general shall severally give bonds to the United States, with good and sufficient security, for the faithful performance of their duties, in such sums as shall be required by the surgeon-general of the army, under the direction of the war department.

[Approved, May, 8, 1820.]

CHAPTER 126.

An act to limit the term of office of certain officers therein named, and for other purposes.

District attorneys, collectors of customs, naval officers, surveyors of customs, navy agents, receivers of public moneys, registers of land offices, paymasters, apothecary-general and assistants, and commissary-general of purchases, to be appointed for 4 years, removable at pleasure.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the passing of this act, all district attorneys, collectors of the customs, naval officers and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the army, the apothecary-general, the assistant apothecaries-general, and the commissary-general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years, but shall be removeable from office at pleasure.

SEC. 2. *And be it further enacted,* That the commission of each and every of the officers named in the first section of this act, now in office, unless vacated by removal from office, or otherwise, shall cease and expire in the manner following: All such commissions, bearing date on or before the thirtieth day of September, one thousand eight hundred and fourteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September next; all such commissions, bearing date after the said thirtieth day of September, in the year one thousand eight hundred and fourteen, and before the first day of October, one thousand eight hundred and sixteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September, one thousand eight hundred and twenty-one. And all other such commissions shall cease and expire at the expiration of the term of four years from their respective dates.

SEC. 3. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys under the direction of the war or navy departments, shall be given; and all bonds given in conformity with such

If on or before 30th Sept. 1814, at their dates ensuing 30th Sept. 1820.

If after 30th Sept. 1814, and before 1st Oct. 1816, at their dates ensuing 30th Sept. 1821.

All others, four years from their dates.

The President authorized, from time to time, to regulate and increase the sums in bonds required from officers of the U. S.

regulations shall be as valid and effectual, to all intents and purposes, as is given for the sums respectively mentioned in the laws requiring the same.

SEC. 4. *And be it further enacted,* That the commissions of all officers employed in levying or collecting the public revenue, shall be made out and recorded in the treasury department, and the seal of the said department affixed thereto; any law to the contrary notwithstanding: *Provided,* That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Commissions of officers employed in collecting revenue to be made out and recorded at the treasury department.

Proviso; President's signature before sealing.

[Approved, May 15, 1820.]

CHAPTER 127.

An act providing for the better organization of the treasury department.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall be the duty of such officer of the treasury department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use, of the United States.

An officer to be designated by the President, as agent, of the treasury, to superintend suits, &c. for the recovery of money, &c. for the use of the U. States.

SEC. 2. *And be it further enacted,* That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the first comptroller of the treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the treasury, who is hereby authorized and required to issue a warrant of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies, respectively; therein specifying the amount with

After 30th Sept. 1820, officers receiving public money before it is paid into the treasury, and failing to account.

The 1st comptroller to state and certify the amount due.

And the agent to issue a warrant of distress against delinquent and sureties, to the marshal.

* This act contains provisions, in much detail, relating to accountability, very interesting, if not necessary, to all disbursing officers of the army. It was therefore, deemed advisable to insert it at large.

Marshal or deputy to proceed to levy and collect, by distress and sale of goods and chattels of delinquent.

Ten days' notice of sale, at two or more public places, &c.

Goods, &c. being insufficient, the person of the officer is liable, &c.

Warrant remaining unsatisfied by proceedings against delinquent, the marshal may proceed against the sureties' goods, &c.

Ten days' notice of sale, at two or more public places, &c.

Amount due by delinquent officer a lien upon lands, &c. of himself and sureties, from the date of a levy &c.

For want of goods, &c. lands, &c. may be sold.

Three weeks' notice of sale of lands, &c. at three public places.

Conveyance of the marshals to give a valid title to lands sold, &c.

Remainder of proceeds of sale, after satisfying warrant and costs, to be returned to delinquent officers or sureties.

Proviso; summary process not to affect sureties before this act.

which such delinquent is chargeable, and the sums, if any, which have been paid. And the marshal authorized to execute such warrants shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may and shall proceed to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold, at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments, of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments, of such officer, and his surety or sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district or his deputy; and for all lands, tenements, or hereditaments, sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States who became bound to the United States before the passing of this act; but each

and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval departments of the government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his accounts, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the first or second comptroller of the treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified, the account of such delinquent officer, to the agent of the treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, That the said agent of the treasury, with the approbation of the secretary of the treasury, in cases arising under this or the preceding section, may postpone for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 4. *And be it further enacted*, That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to

Officers to give new sureties by the 30th Sept. 1820.

After 30th Sept. 1820, officers employed to disburse public moneys, being delinquent, in rendering account or paying over, &c. the first or second comptroller to state and certify the accounts and the agent of the treasury to proceed against them by warrant of distress, &c.

Proviso; the agent, with approbation of the secretary of the treasury, may postpone proceedings, &c.

Persons aggrieved may prefer a bill of complaint, to a district judge, &c.

The judge may grant an injunction.

No injunction until bond and security.

Injunction not to impair the lien to the warrant.

Damages, if application for the injunction was merely for delay.

add such damages as that, with the lawful interest, shall not exceed the rate of ten per centum per annum on the principal sum.

Injunction, &c. SEC. 5. *And be it further enacted,* That such injunctions may be granted or dissolved by such judge, either in or out of court.

Persons aggrieved by the district judge may apply to a judge of the supreme court, who may grant relief. SEC. 6. *And be it further enacted,* That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction; or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge before a judge of the supreme court, to whom authority is hereby given either to grant the injunction or permit an appeal, as the case may be, if, in the opinion of such judge of the supreme court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

Attorneys of the United States, to conform to instructions from the agent of the treasury. SEC. 7. *And be it further enacted,* That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively by the said agent of the treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any state court, in which any suit or action may be pending on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the treasury a statement of the cases which have been decided during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

Clerks of Circuit and district courts, within 30 days after term, to forward a list of judgments and decrees entered, to the agent, showing the amount, etc. SEC. 8. *And be it further enacted,* That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts, respectively, to forward to the said agent of the treasury, a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, and stating the term to which execution thereon will be returnable. And

Marshals, within 30 days before term, to make returns, to the agent, of proceedings on writs of executions, etc. it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts respectively.

Nothing in this SEC. 9. *And be it further enacted,* That nothing in this

act contained shall be construed to take away or impair any right or remedy which the United States now have by law, for the recovery of taxes, debts, or demands.

[Approved, May 15, 1820.]

act to impair any right or remedy, under preceding laws, for the recovery of debts, etc.

CHAPTER 128.

An act to reduce and fix the military peace 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, from and after the first day of June next, the military peace establishment of the United States shall be composed of four regiments of artillery, and seven regiments of infantry, with such officers of engineers, of ordnance, and of the staff, as are hereinafter provided for.

SEC. 2. *And be it further enacted,* That each regiment of artillery shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, and nine companies, one of which shall be designated and equipped as light artillery: and that there shall be attached to each regiment of artillery one supernumerary captain to perform ordnance duty;† and that each company shall consist of one captain, two first lieutenants, two second lieutenants, four sergeants, four corporals, three artificers, two musicians, and forty-two privates. That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, one major, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies; each of which shall consist of one captain, one first lieutenant, one second lieutenant, three sergeants, four corporals, two musicians, and forty-two privates; and that to each regiment of artillery and infantry there shall be one adjutant, who shall be taken from the subalterns of the line.

SEC. 3. *And be it further enacted,* That the corps of engineers, (bombardiers excepted,) and the topographical engineers, and their assistants, shall be retained in service as at present organized.

SEC. 4. *And be it further enacted,* That the ordnance department shall be merged in the artillery; and that the President of the United States be, and he is hereby, authorized to select, from the regiments of artillery, such officers as may be necessary to perform ordnance duties, who, while so detached, shall receive the pay and emoluments now received by ordnance officers, and shall be subject only to the orders of the

*See chapters 152, 160 and 172.

†The provision for supernumerary captains of ordnance, repealed by chapter 150, section 3.

Military peace establishment, after 1st June, 1821.

Light artillery. A supernumerary captain for ordnance duty.

Infantry,

Adjutant to each regiment.

re-Engineers retained—except bombardiers.

Ordnance department merged in the artillery.

Artillery officers to perform ordnance duties, etc.

Enlisted men of

ordnance department reduced. war department; and that the number of enlisted men in the ordnance department be reduced to fifty-six.*

One major-general with two aids, and two brigadiers with an aid each. Aids from subalterns of the line. SEC. 5. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp; two brigadier-generals, each with one aid-de-camp; and that the aids-de-camp taken from the subalterns of the line, and, in addition to their duties, shall perform the duties of assistant adjutant-general.

One adjutant and two inspectors-general, with rank etc. of colonels of cavalry. SEC. 6. *And be it further enacted*, That there shall be one adjutant-general, and two inspectors-general, with the rank, pay, and emoluments, of colonels of cavalry.

A quartermaster-general. Two quartermasters. Ten assistant quartermasters, with additional pay. SEC. 7. *And be it further enacted*, That there shall be one quartermaster-general; that there shall be two quartermasters, with the rank, pay, and emoluments, of majors of cavalry; and ten assistant quartermasters, who shall, in addition to their pay in the line, receive a sum not less than ten dollars, nor more than twenty dollars, per month, to be regulated by the secretary of war.†

A commissary-general of subsistence. Assistant commissaries not exceeding fifty, with additional pay. Assistant quartermasters and commissaries subject to duties in both departments. SEC. 8. *And be it further enacted*, That there shall be one commissary-general of subsistence; and that there shall be as many assistant commissaries as the service may require, not exceeding fifty,‡ who shall be taken from the subalterns of the line, and shall, in addition to their pay in the line, receive a sum not less than ten, nor more than twenty, dollars per month; and that the assistant quartermasters, and assistant commissaries of subsistence, shall be subject to duties in both departments, under the orders of the secretary of war.

A paymaster-general and fourteen paymasters. Commissary of purchases. Military storekeepers. SEC. 9. *And be it further enacted*, That there shall be one paymaster-general, with the present compensation, and fourteen paymasters, with the pay and emoluments of regimental paymasters;§ and that there shall be one commissary of purchases and two military storekeepers, to be attached to the purchasing department.

A surgeon-general. Eight surgeons. Forty-five assistant surgeons. SEC. 10. *And be it further enacted*, That the medical department shall consist of one surgeon-general, eight surgeons, with the compensation of regimental surgeons, and forty-five assistant-surgeons, with the compensation of post surgeons.‡

Rank, pay, etc. except where there is special provision, to be according to existing laws. The force continued, subject to the rules and articles of war. SEC. 11. *And be it further enacted*, That the officers, non-commissioned officers, artificers, musicians, and privates, retained by this act, except those specially provided for, shall have the same rank, pay, and emoluments, as are provided, in like cases, by existing laws; and that the force authorized and continued in service under this act, shall be subject to the rules and articles of war.

The President to cause the force retained to be SEC. 12. *And be it further enacted*, That the President of the United States cause to be arranged the officers, non-commissioned officers, artificers, musicians, and privates, of the

*So much of this act as merges the ordnance department in the Artillery and reduces the number of enlisted men is repealed by chapter 150, section 3.
†See chapter 139, section 4, increasing the number of officers in the quartermaster's department.

‡See chapter 145, which provides for two commissaries of subsistence.

§See chapter 175 providing for additional paymasters.

§See chapters 153, and 175, increasing the medical department.

several corps now in the service of the United States, in such manner as to form and complete, out of the same, the force authorized by this act, and cause the supernumerary officers, non-commissioned officers, artificers, musicians, and privates, to be discharged from the service of the United States.

SEC. 13. *And be it further enacted*, That there shall be allowed and paid to each commissioned officer who shall be discharged from the service of the United States in pursuance of this act, three months' pay, in addition to the pay and emoluments to which he may be entitled by law at the time of his discharge.

SEC. 14.* *And be it further enacted*, That the system of "General Regulations for the Army," compiled by major-general Scott, shall be, and the same is hereby, approved and adopted for the government of the army of the United States, and of the militia when in the service of the United States.

[Approved, March 2, 1821.]

CHAPTER 129.

An act to repeal the fourteenth section of "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the fourteenth section of the act, entitled "An act to reduce and fix the military peace establishment," passed the second day of March, one thousand eight hundred and twenty-one, be, and the same is hereby, repealed.

[Approved, May 7, 1822.]

CHAPTER 130.

An act to continue the present mode of supplying 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 the seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the army,"† passed April fourteenth, eighteen hundred and eighteen, be, and the same are hereby, continued in force for the term of five years, and until the end of the next session of Congress thereafter.‡

[Approved, January 23, 1823.]

*This section is repealed by the next succeeding chapter.

†See chapter 115.

‡See chapter 145.

CHAPTER 131.

An act concerning the disbursement of public money.

No advance of public money to be made. SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the government, as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided*, also, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

Officers or agents of the United States, to account quarterly. SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emoluments, shall render his accounts quarterly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service. SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

No security given to, or obligation entered into with, the government, to be impaired by dismissal or non-dismissal. SEC. 4. *And be it further enacted*, That no security given to, or obligation entered into with, the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

[Approved, January 31, 1823.]

CHAPTER 132.

An act to establish a national armory on the western waters.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized to employ a skilful engineer or officer of the ordnance department, with such other person or persons as he may judge proper, to examine the most suitable site for a national armory on the western waters; and that the said engineer, and such other person or persons be requested to report the result of their examinations to Congress at the commencement of its next session, particular designating the sites by them examined, with the comparative advantages of each, and an estimate showing the amount necessary for purchasing each, and erecting all necessary buildings thereon.

SEC. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, to effect the object of this act.

[Approved March 3, 1823.]

CHAPTER 133.

An act to allow further time to complete the issuing and locating of military land warrants.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the authority granted to the secretary of the department of war, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived and continued in force for the term of five years.

[Approved May 26, 1824.]

CHAPTER 134.

An act for arming the Militia of the District of Columbia.*

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act of the twenty-third of April, one thousand eight hundred and eight, entitled "An act making provision for

*See chapter 59, with note thereon.