

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.

the District of
Columbia.

arming and equipping the whole body of the militia of the United States," be, and the same is hereby, declared to extend to the District of Columbia; and the President of the United States is hereby authorized and directed to issue arms and military equipments to the militia of said District, under such regulations for the return thereof as he may deem it proper to prescribe.

[Approved, March 3, 1825.]

CHAPTER 135.

An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.*

Any person with-
in any fort, &c.
who shall mali-
ciously burn any
dwelling-house,
&c. to suffer
death.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is ceded to, and under the jurisdiction of, the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is ceded to them, and under their jurisdiction, as aforesaid, shall, wilfully and maliciously, burn any dwelling house, or mansion, house or any store, barn, stable, or other building, parcel of any dwelling or mansion house, every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death.

Any person wil-
fully setting fire
to, &c. any arse-
nal, &c. to be
fined and impris-
oned.

SEC. 2. *And be it further enacted,* That if any person or persons, in any of the places aforesaid, shall, wilfully and maliciously, set fire to, or burn, any arsenal, armory, magazine, rope-walk, ship-house, ware-house, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in the first section of this act, or any ship or vessel, built, or building or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out, ships, or vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualling stores, arms, or other munitions of war, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Any offence com-
mitted in any of

SEC. 3. *And be it further enacted,* That, if any offence

*Although the offences defined by this act, come under the jurisdiction of the civil tribunals, it was thought the insertion of such of its provisions as relate to military and naval stations, would be in place here.

shall be committed in any of the places aforesaid, the punishment of which offence is not specially provided for by any law of the United States, such offence shall, upon a conviction in any court of the United States having cognizance thereof, be liable to, and receive, the same punishment as the laws of the state in which such fort, dock-yard, navy-yard, arsenal, armory, or magazine, or other place, ceded as aforesaid, is situated, provide for the like offence, when committed within the body of any county of such state.

the aforesaid places, the punishment of which is not provided for in this or any other law of the U. S. shall, on conviction in any court thereof, be dealt with according to the laws of the state.

SEC. 12. *And be it further enacted,* That, if any officer of the United States shall be guilty of extortion, under or by color of his office, every person so offending shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence.

Of any officer the U. S. who is guilty of extortion.

[Approved, March 3, 1825.]

CHAPTER 136.

An act to authorize the sale of unserviceable Ordnance, Arms, and Military Stores.

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 cause to be sold any ordnance, arms, ammunition or other military stores, or subsistence, or medical supplies, which, upon proper inspection or survey, shall appear to be damaged, or otherwise unsuitable for the public service, whenever, in his opinion, the sale of such unserviceable stores will be advantageous to the public service.

The President of the U. S. to cause to be sold any ordnance, etc. damaged, to such a degree, as renders them useless to the public service.

SEC. 2. *And be it further enacted,* That the inspection or survey of the unserviceable stores shall be made by an inspector-general, or such other officer or officers as the secretary of war may appoint for that purpose; and the sales shall be made under such rules and regulations as may be prescribed by the secretary of war.

The inspection or survey to be made by an inspector-general.

[Approved, March 3, 1825.]

CHAPTER 137.

An act concerning the United States' Arsenal in Georgia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of war be, and he is hereby, authorized to

Secretary of war to cause to be purchased in the vicinity of Au-

gusta, a proper cause to be purchased, in the vicinity of Augusta, a suitable site for an U. S. arsenal, and to be erected thereon such buildings as may be necessary, in lieu of those at this time occupied for such purpose: *Provided*, such site can be obtained upon reasonable terms, and with a proper regard to health, and to the public convenience: *And provided also*, That the consent of the proper authorities of the state of Georgia shall be given thereto, and the jurisdiction over the same be ceded to the United States.

Proviso.
Proviso—consent of the proper authorities of said state to be first obtained, etc.
 A sum not exceeding 70,000 dollars, appropriated, etc.

SEC. 2. *And be it further enacted*, That a sum not exceeding seventy thousand dollars be, and the same is hereby, appropriated for the objects aforesaid, out of any money in the treasury not otherwise appropriated. And that the secretary of war be, and he is hereby, authorized to cause to be sold, or otherwise disposed of, the buildings above mentioned, at present used as an arsenal, with the ground on which they stand, so as may best conduce to the public interest, and to the object aforesaid.

[Approved, May 20, 1826.]

CHAPTER 138.

An act to authorize the Secretary of the War Department to purchase a site for an Arsenal at St. Louis, in the state of Missouri, and to provide for the erection of an Arsenal on the same.

Secretary of war to purchase a site for an arsenal at or in the vicinity of Missouri.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the secretary of the war department be, and is hereby, authorized to purchase, as soon as it can be effected, on reasonable terms, a site for an arsenal, at or in the vicinity of St. Louis, Missouri; and to cause to be erected such an arsenal on the same, as may be deemed proper for the safe-keeping of the arms and munitions of the United States, on that frontier; and that for these purposes the sum of fifteen thousand dollars be, and the same is hereby, appropriated out of the moneys of [in] the treasury not otherwise appropriated.

[Approved, May 20, 1826.]

CHAPTER 139.

An act regulating the accountability for clothing and equipage issued to the army of the United States, and for the better organization of the Quartermaster's Department.

Duties of the quartermaster's department, in

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 the quartermaster's department, in

addition to its present duties, to receive, from the purchasing department, and distribute to the army of the United States, all clothing and camp and garrison equipage required for the use of the troops; and that it shall be the duty of the quartermaster-general, under the direction of the secretary of war, to prescribe and enforce, under the provisions of this act, a system of accountability for all clothing and equipage issued to the army.

SEC. 2. *And be it further enacted*, That every captain, or commander of a company, detachment, or recruiting station, or other officer, who shall have received clothing or camp equipage for the use of his command, or for issue to the troops, shall render to the quartermaster-general, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues that shall have been made; which returns and vouchers, after due examination by the quartermaster-general, shall be transmitted for settlement to the proper office of the treasury department.

SEC. 3. *And be it further enacted*, That it shall be the duty of all officers charged with the issue of clothing, or other supplies, carefully to preserve the same from waste or damage; and, in case of deficiency, on final settlement, of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show, to the satisfaction of the secretary of war, by one or more depositions, setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service, without any fault on his part; and, in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall show, in like manner, to the satisfaction of the secretary of war, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect.

SEC. 4. *And be it further enacted*, That, the better to enable the quartermaster's department to carry into effect the provisions of this act, there be appointed two additional quartermasters, and ten assistant quartermasters, to be taken from the line of the army, who shall have the same rank and compensation as are provided for like grades by the act, entitled "An act to reduce and fix the military peace establishment of the United States," approved the second day of March, one thousand eight hundred and twenty-one.* *Provided*, That assistant quartermasters be entitled, also, to receive the allowance of forage heretofore authorized, by law, to regimental and battalion quartermasters.

SEC. 5. *And be it further enacted*, That each officer appointed under this act, shall, before he enter upon his duties, give bond, with sufficient surety, to be approved by the secretary.

* See chapter 128, section 7.

tary of war, in such sum as the President shall direct, with condition for the faithful performance of the duties of his office.

[Approved, May 18, 1826.]

CHAPTER 140.

An act giving further compensation to the Captains and Subalterns of the army of the United States, in certain cases.

After the passage of this act, each captain, etc. to be allowed an additional ration.

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, each captain and subaltern in the army shall be allowed one additional ration.

Every officer, in actual command of a company, in the army of the U. S. to receive 10 dollars per month, additional pay.

SEC. 2. *And be it further enacted,* That every officer in the actual command of a company in the army of the United States, shall be entitled to receive ten dollars per month additional pay, as compensation for his duties and responsibilities, with respect to the clothing, arms, and accoutrements of the company, whilst he shall be in the actual command thereof: *Provided,* That no subaltern officer who shall be in the performance of any staff duty, for which he receives an extra compensation, shall be entitled to the additional ration herein provided for.

Proviso.

[Approved, March 2, 1827.]

CHAPTER 141.

An act authorizing the establishment of an Arsenal in the town of Augusta, in Maine.

Secretary of war to purchase a site for an arsenal in Augusta.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of the department of war be, and he is hereby, authorized and required to purchase, as soon as it can be effected, on reasonable terms, a site for an arsenal, in the town of Augusta, in the state of Maine; and to cause to be erected thereon such an arsenal as may be deemed proper, for the safe-keeping of the arms and munitions of the United States, for the northern and eastern frontier; and that, for these purposes, the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

[Approved, March 3, 1827.]

CHAPTER 142.

An act to prevent defalcations on the part of the Disbursing Agents of the Government, 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 no money hereafter appropriated shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided,* That nothing herein contained shall be construed to extend to balances arising solely from the depreciation of treasury notes received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the treasury department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

No money appropriated to be paid to persons in arrears to the U. S.
Proviso; nothing to be construed to extend to balances arising from the depreciation of treasury notes.

[Approved, January 25, 1828.]

CHAPTER 143.

An act authorizing the establishment of an Arsenal on the waters of Mobile or Pensacola Bays.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of war be, and he is hereby, authorized and required to procure, as soon as it can be effected, on reasonable terms, a site for an arsenal on the waters of Mobile or Pensacola Bays, and to cause to be erected thereon such an Arsenal as may be deemed proper, for the safe keeping of the arms and munitions of war of the United States, for the Mexican Gulf frontier: and that for these purposes the sum of fifty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated.

Secretary of war authorized, etc. to procure on reasonable terms, a site for an arsenal on the waters of Mobile or Pensacola Bays.

[Approved, May 24, 1828.]

* See chapter 171.

CHAPTER 144.

Resolution to authorize the President to loan the Barracks at Sackett's Harbor to the Trustees of a Scientific and Military School to be established there.

The Madison barracks, at Sackett's Harbor, to be loaned to the military and scientific school, to be established in Jefferson county, N. Y. Proviso.

Resolved, 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 loan to the trustees of a military and scientific school, to be established in Jefferson county, state of New York, the Madison barracks, at Sackett's Harbor: Provided, The said trustees do contract to keep the same in good repair, order, and preservation.

[Approved, May, 24, 1828.]

CHAPTER 145.

An act to continue the present mode of supplying the army of the United States.

Sections 6, 7, 8, 9, and 10, of act April 14, 1818; and section 8, of March 2, 1821, continued for 5 years.

Two commissaries created.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sixth, seventh, eighth, ninth, and tenth sections of the act, entitled "An act regulating the staff of the army of the United States,"* passed April the fourteenth, eighteen hundred and eighteen, and the eighth section of the act, entitled "An act to reduce and fix the military peace establishment of the United States,"† passed March the second, eighteen hundred and twenty-one, are hereby continued in force for five years from the passing of this act, and thence to the end of the next session of Congress thereafter, and no longer.*

SEC. 2. *And be it further enacted, That the better to enable the commissary-general of subsistence to carry into effect the provisions of the above specified acts, there be appointed two commissaries, to be taken from the line of the army, one of whom shall have the same rank, pay, and emoluments, as quartermaster; and the other with the rank, pay, and emoluments of assistant quartermaster.‡*

[Approved, March 2, 1829.]

* See chapter 115.

† See chapter 128.

‡ See chapter 168.

CHAPTER 146.

An act to authorize the re-conveyance of a lot of land to the Mayor and Corporation of the City of New York.

Whereas the Mayor and Corporation of the City of New York, on the sixth May, one thousand eight hundred and eight, did convey to the United States, a lot of land at the foot of Hubert street, in the city of New York, called the North Battery, "so long as the same should be used and applied to the defence and safety of the port of New York, and no longer."

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever the President of the United States shall determine that the said lot is no longer useful for the purposes aforesaid, he be, and he hereby is, authorized to cause the same to be re-conveyed to the Mayor and Corporation of New York, the works thereon to be dismantled, and the materials thereof to be disposed of, in such manner as, in his judgment, the public interest may require.*

[Approved, May 10, 1830.]

CHAPTER 147.

An act to alter and amend the sixty-fifth article of the first section of an act, entitled "An act for establishing rules and articles for the government of the armies of the United States,"* passed the tenth of April, one thousand eight hundred and six.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, whenever a general officer commanding an army, or a colonel commanding a separate department, shall be the accuser or prosecutor of any officer of the army of the United States, under his command; the general court martial for the trial of such officer shall be appointed by the President of the United States.*

SEC. 2. *And be it further enacted, That the proceedings and sentence of the said court shall be sent directly to the secretary of war, to be by him laid before the President for his confirmation, or approval, or orders in the case.*

SEC. 3. *And be it further enacted, That so much of the sixty-fifth article of the first section of "An act for establishing rules and articles for the government of the armies of the United States," passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, be, and the same is hereby, repealed.*

[Approved, May 29, 1830.]

* See chapter 53.

CHAPTER 148.

An act to exempt deserters, in time of peace, from the punishment of death.

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 passage of this act, no officer or soldier in the army of the United States, shall be subject to the punishment of death, for desertion in time of peace.

[Approved May 29, 1830.]

CHAPTER 149.

An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, on the river Potomac.

Purchase of land authorized. SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the secretary of war be, and he is hereby, authorized to purchase, in fee simple, from the executrix or trustees of William Dudley Diggs, deceased, a certain piece of land required for the complete defence of the works at fort Washington, on the Potomac, according to a survey of the same, deposited in the topographical Bureau, at Washington: *Provided*, the said purchase can be effected for the release of the amount of a judgment against William Dudley Diggs, deceased, for thirteen thousand three hundred and sixty-nine dollars and eighty-seven cents, with interest from ninth June, one thousand eight hundred and nineteen, until paid, and costs, which the sureties of the late Robert Brent have assigned to the United States: *And provided, further*, That those who are legally authorized to convey the said land shall make and execute a good title thereto, in fee simple, with an acquittance of all claims against the United States, for the previous use or occupation of all or any portion of the premises, or for any alleged injury to an adjacent fishery, the right and title to which is to be released to the United States.

Proviso. Release of judgment. SEC. 2. *And be it further enacted*, That, upon the completion of the above purchase, on the terms and conditions specified, the proper officer of the United States shall be, and he hereby is, authorized to enter up satisfaction upon the judgment aforesaid.

[Approved March 2, 1831.]

CHAPTER 150.

An act providing for the organization of the ordnance department.

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 passage of this act, the ordnance department shall consist of one colonel, one lieutenant-colonel, two majors, and ten captains, and as many enlisted men as the public service may require, not exceeding two hundred and fifty.

Ordnance department to consist of, etc.

SEC. 2. *And be it further enacted*, That the secretary of war be authorized to select from the sergeants of the line of the army, who shall have faithfully served eight years in the service, four years of which in the grade of non-commissioned officer, as many ordnance sergeants as the service may require, not to exceed one for each military post; whose duty it shall be to receive and preserve the ordnance, arms, ammunition, and other military stores, at the post under the direction of the commanding officer of the same, and under such regulations as shall be prescribed by the secretary of war, and who shall receive for their services five dollars per month, in addition to their pay in the line.

Ordnance sergeants.

SEC. 3. *And be it further enacted*, That the first section of the act passed on the eighth of February, one thousand eight hundred and fifteen, entitled "An act for the better regulation of the ordnance department;"* and so much of the second section of the act, entitled "An act to reduce and fix the military peace establishment of the United States,"† passed the second of March, one thousand eight hundred and twenty-one, as provides for one supernumerary captain to each regiment of artillery, to perform ordnance duty, and so much of the fourth section of the same act as merges the ordnance department in the artillery, and reduces the number of enlisted men, be, and the same are hereby repealed: *Provided*, That nothing contained in this act shall be so construed as to divest the President of the United States of authority to select from the regiments of artillery such number of lieutenants as may be necessary for the performance of the duties of the ordnance department.

Proviso.

SEC. 4. *And be it further enacted*, That all officers and enlisted men authorized by this act, shall be subject to the rules and articles of war, and that the officers shall receive the pay and emoluments now allowed or which may hereafter be allowed, to artillery officers.

Government, and Pay.

[Approved April 5, 1832.]

*See chapter 99.

†See chapter 128.