

Compensation to  
officers.

April fourteenth, eighteen hundred and eighteen,\* be and the same are hereby, continued in force until repealed by Congress.

SEC. 2. *And be it further enacted*, That the principal clerk in the office of the commissary-general of subsistence shall receive the annual sum of sixteen hundred dollars, one of the other clerks the sum of twelve hundred dollars, and the other clerk the sum of one thousand dollars, to be paid for the year eighteen hundred and thirty-five out of any money in the treasury not otherwise appropriated.

[Approved, March 3, 1835.]

## CHAPTER 169.

An act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-six.

[EXTRACT.]

Bank notes; how  
and when re-  
ceivable.

SEC. 2. *And be it further enacted*, That hereafter, no bank notes of less denomination than ten dollars, and that from and after the third day of March, anno Domini, eighteen hundred and thirty-seven, no bank note of less denomination than twenty dollars shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the post office department, nor shall any bank note, of any denomination be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the United States.

[Approved, April 14, 1836.]

## CHAPTER 170.

An act providing for the salaries of certain officers therein named, and for other purposes.

[EXTRACT.]

Clerks to be em-  
ployed in the De-  
partment of war.

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 employ, for the discharge of the various duties of the department, the following clerks and messengers; one clerk at sixteen hundred dollars, and one clerk at fourteen hundred dol-

\*See chapter 115.

lars; to be employed in the business of reservations and grants under Indian treaties: *Provided*, That the said clerks shall not be employed for a longer term than four years. Three clerks for the pension office at one thousand dollars each, to be continued only during the present year. Proviso.  
Clerks in the  
pension office.

Six clerks and one messenger, in the quartermaster-general's office, whose compensation shall be as follows; one clerk at sixteen hundred dollars, one clerk at twelve hundred dollars, four clerks at one thousand dollars each, and one messenger at five hundred dollars, one clerk for the ordnance office at twelve hundred dollars, and four clerks at one thousand dollars each. One clerk for the adjutant-general's office at twelve hundred dollars, and three clerks at one thousand dollars each. One clerk in the engineer office at twelve hundred dollars, and one clerk at one thousand dollars. One clerk in the commanding general's office at one thousand dollars. Six clerks and one messenger in the emigrating Indian bureau attached to the subsistence department, whose compensation shall be as follows: one clerk at sixteen hundred dollars, one clerk at fourteen hundred dollars, one clerk at twelve hundred dollars, three clerks at one thousand dollars each, and one messenger at five hundred dollars: *Provided*, That the authority claimed under the acts approved March twenty-eight, eighteen hundred and twelve,\* and May twenty-second eighteen hundred and twelve,† or by any other act for the employment of non-commissioned officers, or the appointment of extra clerks in any of the offices of the war department be, and the same are hereby repealed: *Provided, however*, That where express appropriations are made by law, for the employment of clerks, such employment shall not be deemed to be extra, within the meaning of the above act. In the quarter-  
master-general's  
office.

[Approved, May 9, 1836.]

## CHAPTER 171.

An act explanatory of the act entitled "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, the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes,"‡ approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld. Act of Jan. 1828  
not to apply to  
pensions.

[Approved, May 20, 1836.]

\*See chapter 68.

†See chapter 75.

‡See chapter 142.



## CHAPTER 172.

An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

President may accept the services of 10,000 volunteers, &c.

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 hereby is authorized to accept volunteers who may offer their services either as infantry or cavalry not exceeding ten thousand men, to serve six or twelve months after they shall have arrived at the place of rendezvous, unless sooner discharged; and the said volunteers shall furnish their own clothes, and, if cavalry, their own horses, and when mustered into service, shall be armed and equipped at the expense of the United States.

To do military duty, &c.

SEC. 2. *And be it further enacted,* That the said volunteers shall be liable to be called upon to do military duty only in cases of Indian hostilities, or to repel invasions, whenever the President shall judge proper, and when called into actual service and while remaining therein, shall be subject to the rules and articles of war, and shall be in all respects, except as to clothing, placed on the same footing with similar corps of the United States army and in lieu of clothing every non-commissioned officer and private, in any company, who may thus offer themselves, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of the clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

To be received in companies, &c.

SEC. 3. *And be it further enacted,* That the said volunteers, so offering their services, shall be accepted by the President in companies, battalions, squadrons, regiments, brigades, or divisions, whose officers shall be appointed in the manner prescribed by law in the several states and territories, to which such companies, battalions, squadrons, regiments, brigades, or divisions, shall respectively belong: *Provided,* That, where any company, battalion, squadron, regiment, brigade, or division, of militia, already organized, shall tender their voluntary service to the United States, such company, battalion, squadron, regiment, brigade, or division, shall continue to be commanded by the officers holding commissions in the same, at the time of such tender; and any vacancy thereafter occurring shall be filled in the mode pointed out by law in the state or territory wherein the said company, battalion, squadron, regiment, brigade or division, shall have been originally raised.

To be organized by the President.

SEC. 4. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to organize companies, so tendering their services, into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization in his judgment expedient; and the President shall, if necessary, apportion the

staff, field and general officers among the respective states or territories from which the volunteers shall tender their services as he may deem proper; but, until called into actual service, such companies, battalions, squadrons, regiments, brigades or divisions shall not be considered as exempt from the performance of militia duty as if required by law, in like manner as before the passage of this act.

SEC. 5. *And be it further enacted,* That the volunteers who may be received into the service of the United States, by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

To be entitled to benefits, &c.

SEC. 6. *And be it further enacted,* That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank of the officers, non-commissioned officers, musicians and privates, composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects whatever as are stipulated for the said regiment of dragoons now in service.\*

A regiment of dragoons to be organized.

SEC. 7. *And be it further enacted,* That the President of the United States may disband the said regiment, whenever in his opinion, the public interest no longer requires their services; and that the sum of three hundred thousand dollars, required to carry into effect the provisions of this act is hereby appropriated, out of any money in the treasury not otherwise appropriated.

President may disband.

\$300,000 appropriated.

SEC. 8. *And be it further enacted,* That so much of this act as relates to volunteers shall be in force for two years from and after the passage of this act, and no longer.

Act to remain in force two years.

[Approved, May 23, 1836.]

## CHAPTER 173.

An act to establish an arsenal of construction in the State of North Carolina.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of forty-five thousand dollars be, and the same is hereby appropriated, from any money in the treasury, not otherwise appropriated, towards the purchase of a site and the building of an arsenal of deposite and general construction, near the town of Fayetteville, in the State of North Carolina.

\$45,000 for purchase of a site and for building.

[Approved, June 14, 1836.]

\*See chapter 160.



## CHAPTER 174.

"An act to provide for the better protection of the Western frontier."

President to cause a military road to be surveyed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President be, and he is hereby, authorized to cause to be surveyed and opened, a military road, from some point upon the right bank of the Mississippi river, between the mouth of the St. Peter's and the mouth of the Desmoines river, upon such route as may appear best calculated to effect the purposes of the act, to Red River.

To pass west of Missouri and Arkansas, on condition, &c.

SEC. 2. *And be it further enacted,* That the said road shall pass west of the state of Missouri and of the territory of Arkansas, on condition that the assent of the Indian tribes who have not heretofore given their assent, through whose territory said road is to pass, shall be first obtained; and if such assent cannot be obtained, then east of the western boundaries of said state and territory: and shall be so constructed as to enable troops to move along the same with proper facility. And the following mode of construction shall be adopted, subject to such alterations and additions as the President may, from time to time direct to be made. The timber shall be cut down to a reasonable width, and the wet and marshy places shall be causewayed or otherwise rendered passable; cheap bridges shall be erected over the smaller streams, not having good fords across them; and, where it may be found necessary, the road may be thrown up in the centre.

Military posts to be established.

SEC. 3. *And be it further enacted,* That the military posts shall be constructed at such place along the said road as in the opinion of the President, may be most proper for the protection of the frontier, and for the preservation of the necessary communication.

Troops U. S. may be employed in the labor, &c.

SEC. 4. *And be it further enacted,* That the troops of the United States shall be employed in performing the labor herein required, whenever, in the opinion of the President, the same can be done with a just regard to their other duties; and the other labor rendered necessary shall be procured in such manner as the President may direct.

\$100,000.

SEC. 5. *And be it further enacted,* That the sum of one hundred thousand dollars shall be, and the same is hereby, appropriated, to be applied towards the accomplishment of the objects specified by this act.

[Approved, July 2, 1836.]

## CHAPTER 175.

"An act to authorize the appointment of additional paymasters, 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 the President of the United States be and he hereby is authorized and empowered to appoint three additional paymasters, to be attached to the pay department of the army: *Provided,* That the appointments be submitted to the Senate for their confirmation, in the same manner as other officers of the army. President may appoint three additional paymasters.

SEC. 2. *And be it further enacted,* That the officers appointed in virtue of this act shall perform the same duties and receive the same pay and allowances as the present paymasters of the army; and shall in like manner be subject to the rules and articles of war; and previous to entering upon the duties of their office shall give such bonds to the United States as the Secretary of War may direct for the faithful performance of their duties. To perform the same duties and be subject to the same rules as other paymasters.

SEC. 3. *And be it further enacted,* That when volunteers or militia are called into service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality it shall be lawful for the President to assign to any officer of the army the duty of paymaster, who, while so assigned shall perform the same duty, give the same bond, be subject to the same liability and receive the same emoluments as are now provided for paymasters of the army: *Provided however,* That the number of officers so assigned shall not exceed one for every two regiments of militia or volunteers; *And provided also,* That the whole emoluments of the said officers, including their pay and allowances in the line, shall not exceed the pay and emoluments of a paymaster. President, when necessary, may assign the duties of a paymaster to any officer of the army.

SEC. 4. *And be it further enacted,* That the President of the United States be and he hereby is authorized and empowered to appoint three additional surgeons and five assistant surgeons, to be attached to the medical staff of the army. May appoint additional surgeons and assistant surgeons.

SEC. 5. *And be it further enacted,* That during the absence of the quartermaster-general, or the chief of any other military bureau of the War Department, the President be authorized to empower some officer of the Department or corps whose chief is absent to take charge thereof and to perform the duties of quartermaster-general or chief of the Department or corps, as the case may be during such absence: *Provided,* That no additional compensation be allowed therefor. In absence of the quartermaster-general, &c. President may empower others to perform the duties.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives as soon as may be after the close of the present session, and of each succeeding session, to prepare and publish a statement of all appropriations made during the session, and Secretary of the Senate, and Clerk of the House of Representatives to prepare and publish statements



of appropria-  
tions, &c.

also a statement of the new officers created and the salaries of each, and also a statement of the officers the salaries of which are increased and the amount of such increase.

[Approved, July 4, 1836.]

## CHAPTER 176.

An act for the purchase of certain rights or inventions of Captain Wm. H. Bell, of North Carolina.

\$20,000 to be  
paid to him for  
his interest in  
two patent rights.

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 Treasury be hereby authorized to pay to Captain William H. Bell, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars, whenever said Bell shall transfer and convey to the United States all his, said Bell's, right, interest, and title, in and to two certain patents, viz: one called a machine for elevating heavy cannon, the other called a traverse board for pointing cannon; together with all the right to the United States to use every improvement that has been made by said Bell on the said inventions, since patenting the same: *Provided however,* That said sum of twenty thousand dollars shall be in full for all claims against the United States for using said patents.

[Approved, July 4, 1836.]

## CHAPTER 177.

"An act to provide for the payment of horses, and other property lost or destroyed in the military service of the United States.\*"

Officers and  
others to be paid  
the value of  
horses lost.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained or shall sustain damage, without any fault or negligence on his part, while in said service, by the loss of a horse in battle or by the loss of a horse wounded in battle, and which has died or shall die of said wound or being so wounded shall be abandoned by order of his officer and lost; or shall sustain damage by the loss of any horse by death, or abandonment, in consequence of the United States failing to supply

\* See supplementary act, chap. 178.

sufficient forage, or because the rider was dismounted and separated from his horse, and ordered to do duty on foot at a station detached from his horse; or when the officer in the immediate command ordered or shall order the horse turned out to graze in the woods, prairies, or commons, because the United States failed or shall fail to supply sufficient forage, and the loss was or shall be consequent thereof; or for the loss of necessary equipage, in consequence of the loss of his horse as aforesaid, shall be allowed and paid the value thereof: *Provided,* That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied or shall satisfy the paymaster at the time he made or shall make the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided, also,* If any payment shall have been, or shall hereafter be, made to any person above mentioned, on account of clothing, to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements.

Proviso.

Further proviso.

SEC. 2. *And be it further enacted,* That any person who, in the said military service as a volunteer, or draughted militiaman, furnished or shall furnish himself with arms and military accoutrements, and sustained or shall sustain damage by the capture or destruction of the same, without any fault or negligence on his part, or who lost or shall lose the same by reason of his being wounded in the service, shall be allowed and paid the value thereof.

Volunteers or  
draughted mili-  
tiamen to be al-  
lowed for arms,  
&c. lost.

SEC. 3. *And be it further enacted,* That any person who sustained or shall sustain damage by the loss, capture, or destruction by an enemy, of any horse, mule or wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States, either by impressment or contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction, was without any fault or negligence on the part of the owner; and any person who, without any such fault or negligence, sustained or shall sustain damage by the death or abandonment and loss of any such horse, mule, or ox, while in the service aforesaid, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, shall be allowed and paid the value thereof.

Payment for  
horses, mules,  
wagons, &c.

SEC. 4. *And be it further enacted,* That the claims provided for under this act shall be adjusted by the third Auditor, under such rules as shall be prescribed by the Secretary of War under the direction or with the assent of the President of the United States; as well in regard to the receipt of applications of claimants, as the species and degree of evidence, the manner in which such evidence shall be taken and authenticated, which rules shall be such as, in the opinion of the President, shall be

Claims to be ad-  
justed by third  
Auditor, under  
rules prescribed  
by Secretary of  
War, &c.



Rules, &c. to be published.

Entry of all adjudications to be made; claimants to be paid on producing certified copies thereof.

Payment for losses by minors to be made to parents or guardians.

Persons other than minors to be paid for property risked by them which has been lost.

Acts of 19th February, 1833, and 30th June, 1834, repealed.

Limitation of act.

best calculated to obtain the object of this act, paying a due regard, as well to the claims of individual justice as to the interests of the United States, which rules and regulations shall be published for four weeks in such newspapers in which the laws of the United States are published, as the Secretary of War shall direct.

SEC. 5. *And be it further enacted*, That in all adjudications of said Auditor upon the claims above mentioned, whether such judgment be in favor of, or adverse to, the claim shall be entered in a book provided by him for that purpose, and under his direction; and when such judgment shall be in favor of such claim, the claimant, or his legal representative, shall be entitled to the amount thereof upon the production of a copy thereof certified by said Auditor at the Treasury of the United States.

SEC. 6. *And be it further enacted*, That in all instances where any minor has been, or shall be, engaged in the military service of the United States, and was or shall be provided with a horse or equipments, or with military accoutrements, by his parent or guardian, and has died or shall die without paying for said property, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, said parent or guardian shall be allowed pay therefor on making satisfactory proof as in other cases, and the further proof that he is entitled thereto by having furnished the same.

SEC. 7. *And be it further enacted*, That in all instances where any person other than a minor, has been or shall be engaged in the military service aforesaid, and has been or shall be provided with a horse or equipments, or with military accoutrements by any person, the owner thereof, who has risked or shall take the risk of such horse equipments or military accoutrements on himself, and the same has been or shall be lost, captured, destroyed, or abandoned in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

SEC. 8. *And be it further enacted*, That the act passed on the nineteenth of February, eighteen hundred and thirty-three, entitled "An act for the payment of horses and arms lost in the military service of the United States against the Indians on the frontier of Illinois and Michigan Territory," and an act passed on the thirtieth of June, eighteen hundred and thirty-four, entitled "An act to provide for the payment of claims for property lost, captured or destroyed by the enemy, while in the military service of the United States, during the late war with the Indians on the frontier of Illinois and Michigan Territory," be and the same are hereby, repealed.

SEC. 9. *And be it further enacted*, That this act shall be and remain in force until the close of the next session of Congress.

[Approved, January 18, 1837.]

## CHAPTER 178.

An act to amend an act entitled "An act to provide payment for horses and other property lost in the military service 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 any person who has turned over to the service of the United States his horse, saddle, bridle, or equipments, by the order of the commanding general, or other commanding officer, shall be paid the value thereof: That the claims provided for under this act shall be adjusted by the third Auditor, under such rules as shall be prescribed by the Secretary of War, with the assent of the President. This act, and the act to which this is an amendment, shall extend to mules as well as to horses. Decisions under this act shall be recorded as they are required to be recorded by the act aforesaid, and payment shall be made as is required by that act. This act shall extend to cases where any person mentioned in the act to which this is an amendment shall have died in the service, and his horse, saddle, bridle, or equipments, shall have been turned over to an officer, or other person for the benefit of the United States, by order of the officer commanding, and not restored to the representative of the deceased, or paid for by the United States.

[Approved, October 16, 1837.]

## CHAPTER 179.

An act to increase the present military establishment of the United States, 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 there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner, as authorized by existing laws, with the exceptions hereafter mentioned; that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the Ordnance Department hereafter directed, that all the present second lieutenants shall be retained in service, and there shall be raised and organized under the di-

One company to be added to each regiment of artillery, the companies of artillery and infantry, to be augmented, and one additional regiment of infantry to be raised and organized.

\*See chap. 177.

† When this compilation had progressed thus far, it was suspended with the view of introducing such acts relating to the army as might be passed during the then existing session of Congress. That circumstance will account to the reader for this chapter not being referred to in the notes to the preceding chapters, and especially under the head of chapter 128, act of 2d March, 1821, which still forms the basis of the military establishment.