

## **FOREWORD**

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# **UNITED STATES STATUTES AT LARGE**

## **VOLUME 12**

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Buffalo, N.Y.  
August, 1961

DENNIS & CO., INC.

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THE  
**Statutes at Large, Treaties,**  
AND  
PROCLAMATIONS,  
OF THE  
**UNITED STATES OF AMERICA.**

FROM

DECEMBER 5, 1859, TO MARCH 3, 1863.

Arranged in Chronological Order and carefully collated with the  
Originals at Washington.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT  
ACTS ON THE SAME SUBJECT.

EDITED BY

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VOL. XII.

**BOSTON:**

**LITTLE, BROWN AND COMPANY.**

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1863.

June 21, 1860. CHAP. CLXIII.—*An Act making Appropriations for the Support of the Army for the Year ending the thirtieth of June, eighteen hundred and sixty-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-one :*

Appropriations.

For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates on re-enlistment, fifty thousand dollars.

Recruiting and reënlistment.

For pay of the army, three million five hundred and ninety-one thousand seven hundred and eighty-four dollars.

Pay.

For commutation of officers' subsistence, nine hundred and ninety-eight thousand four hundred and thirty-four dollars and fifty cents.

Commutation of subsistence and forage.

For commutation of forage for officers' horses, one hundred and twenty-four thousand one hundred and twenty-eight dollars.

Clothing.

For payments to discharged soldiers for clothing not drawn, fifty thousand dollars.

For payments in lieu of clothing for officers' servants, thirty-nine thousand eight hundred and ninety dollars.

Subsistence in kind.

For subsistence in kind, two million and fifty-eight thousand six hundred dollars.

Clothing, &c.

For clothing for the army, camp and garrison equipage, and iron beds for barracks, eight hundred and thirty-two thousand nine hundred and eighty-one dollars and twelve cents.

Quartermaster's department.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, the companies of light artillery, and such companies of infantry as may be mounted and for the authorized number of officers' horses when serving in the field and at the outpost, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments; and for the printing of division and department orders and reports, one million five hundred and eighty thousand dollars.

Incidental expenses.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judge advocates, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers and to trains where military escorts cannot be furnished; expense of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the army, compensation of clerks of the officers of the quartermaster's department; compensation of forage and

1802, ch. 9,  
§§ 21, 22.  
Vol. ii. p. 136.

1819, ch. 45.  
Vol. iii. p. 488.  
1854, ch. 247,  
§ 6.  
Vol. x. p. 576.

wagonmasters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz.: the purchase of travelling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, four hundred and seventy-five thousand dollars.

1838, ch. 162,  
§ 10.  
Vol. v. p. 257.

For constructing barracks and other buildings at posts which it may be necessary to occupy during the year; for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops; of storehouses for the keeping of military stores; of grounds for summer cantonments; for temporary frontier stations, including fifteen thousand dollars for the purchase of stoves, three hundred and fifty-nine thousand three hundred and fifty-one dollars and fifty-four cents, to be expended as follows; viz:

Barracks, &c.

How expended.

For rents, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe-keeping of military stores, of grounds for summer cantonments, and construction and repairs of barracks at temporary frontier stations, for the purchase of stoves, and six hundred and eight dollars and eighty-seven cents to be paid as back rent for the site of Fort Davis, Texas, one hundred and ninety-five thousand two hundred and forty-six dollars and twenty-nine cents;—

For repairing, altering and enlarging buildings at established military posts, one hundred and thirty-five thousand, five hundred and forty-seven dollars;—

For constructing barracks and other buildings at the following posts, to wit: At Barrancas barracks, Key West, Fort Mackinac, in the department of the east, twenty thousand five hundred and seventy-eight dollars and fifty cents; at Benicia barracks in the department of California, three hundred and six dollars and seventy-five cents; at Fort Vancouver in the department of Oregon, seven thousand six hundred and seventy-three dollars.

For mileage, or the allowance made to officers of the army for the transportation of themselves and their baggage, when travelling on duty without troops, escorts, or supplies, one hundred and twenty-five thousand dollars.

Mileage of officers.

For transportation of the army, including the baggage of the troops when moving either by land or water; of clothing, camp, and garrison equipage, from the depot at Philadelphia to the several posts and army depots, and from those depots to the troops in the field; of horse equipments, and of subsistence from the places of purchase and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance; and for clearing roads, and removing obstructions therein

Transportation.

Water.  
Roads.

to the extent which may be required for the actual operations of the troops on the frontier, two million three hundred and sixty thousand dollars.

- Horses.** For the purchase of horses for the two regiments of dragoons, the two regiments of cavalry, and the regiment of mounted riflemen, one hundred and fifteen thousand dollars.
- Contingencies.** For contingencies of the army, twenty-five thousand dollars.
- Medical, &c., departments.** For the medical and hospital departments, seventy-six thousand two hundred and twenty-five dollars and fifty cents.
- Miscellaneous.** For contingent expenses of the adjutant-general's department at department headquarters, five hundred dollars.  
For compensation of the clerk and messenger in the office of the commanding-general, two thousand dollars.  
For contingent expenses of the office of the commanding-general, three hundred dollars.
- Fortifications.** For armament of fortifications, two hundred thousand dollars.  
For the current expenses of the ordnance service, one hundred and fifty-six thousand dollars.
- Ordnance, &c.** For ordnance, ordnance stores, and supplies, including horse equipments for the mounted regiments, two hundred and fifty thousand dollars.  
For horses and horse medicines for the batteries of light artillery, thirty thousand dollars.
- Manufacture of arms.** For the manufacture of arms at the national armories, two hundred and fifty thousand dollars.
- Springfield armory.** For repairs and improvements and new machinery at Springfield armory, Massachusetts, of which twelve thousand dollars may be applied to the purchase of land on the north side of the new water shops, sixty-three thousand six hundred and twenty-five dollars.
- Harper's Ferry.** For repairs and improvements and new machinery at Harper's Ferry armory, sixty-five thousand five hundred dollars.
- Arsenals.** For the Allegheny arsenal, six thousand three hundred and fifty-eight dollars.  
For the Benicia arsenal, fifty thousand dollars.  
For Charleston arsenal, fifteen thousand dollars.  
For Fort Monroe arsenal, twenty-three thousand four hundred and fifty dollars.  
For New York arsenal, one thousand one hundred dollars.  
For North Carolina arsenal, repairs, and gas fixtures, five thousand five hundred dollars.  
For St. Louis arsenal, three thousand seven hundred and fifty dollars.  
For Texas arsenal, forty-three thousand dollars.  
For Washington arsenal, two thousand five hundred dollars.  
For Watertown arsenal, two thousand five hundred dollars.  
For Watervliet arsenal, eleven thousand dollars.  
For contingencies of arsenals, twenty thousand dollars.
- Military surveys, &c.** For surveys for military defences, geographical explorations, and reconnoissances for military purposes, and surveys with the armies in the field, fifty thousand dollars.  
For purchase and repairs of instruments, ten thousand dollars.  
For printing charts of lake surveys, ten thousand dollars.  
For continuing the survey of the northern and northwestern lakes, including Lake Superior, seventy-five thousand dollars.
- Apparatus, &c. for field signals.** For the manufacture or purchase of apparatus and equipments for field signals, two thousand dollars. And that there be added to the staff of the army one signal officer, with the rank, pay, and allowances of a major of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal duty, and of all books, papers, and apparatus connected therewith.
- Signal officer.**
- Sites, &c. for posts near valley.** For surveys and selections of sites, and for plans and estimates for

military posts on or near the valley of the Red River of the North, between the forty-sixth and forty-ninth degrees of north latitude, and at or near Fort Cobb, in the Indian Territory, five thousand dollars, and that a report thereon be made to the next session of Congress.

For reconstructing the stables at Carlisle barracks, eight thousand and fifty dollars.

To enable the Third Auditor of the Treasury to settle the suspended accounts of officers for disbursements through the quartermaster-general's department for supplies furnished and stores transported for the three companies of volunteers called into the service of the United States in the Territory of Kansas, in eighteen hundred and fifty-six, by authority of the War Department, the sum of five thousand dollars, or so much thereof as may be necessary.

To enable the Secretary of the Interior to restore to their relatives in Wisconsin four orphan children of Edward Miltimore, whose parents and brothers and sisters were massacred on or about the thirty-first day of August, eighteen hundred and fifty-nine, about one hundred miles north of Salt Lake City, by a party of Indians, (or Mormons disguised as such,) and who escaped the massacre and found refuge at Camp Floyd, fifteen hundred dollars.

SEC. 2. *And be it further enacted,* That there be added to the medical corps of the army four surgeons and four assistant surgeons, to be appointed in accordance with the existing laws.

SEC. 3. *And be it further enacted,* That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the following fortifications :

- |   |                   |
|---|-------------------|
| Fort Montgomery, Lake Champlain, New York, ten thousand dollars.                                  | Fort Montgomery.  |
| Fort Knox, Penobscot Bay, Maine, twenty thousand dollars.   | Fort Knox.        |
| Fort on Hog Island Ledge, Portland harbor, Maine, thirty thousand dollars.                        | Hog Island Ledge. |
| Fort Winthrop, Boston harbor, Massachusetts, ten thousand dollars.                                | Fort Winthrop.    |
| Fort at the entrance of New Bedford harbor, Massachusetts, twenty-five thousand dollars.          | at New Bedford.   |
| Fort Adams, Newport harbor, Rhode Island, five thousand dollars.                                  | Fort Adams.       |
| Fort Richmond, Staten Island, New York, fifteen thousand dollars.                                 | Fort Richmond.    |
| Fort on the site of Fort Tompkins, Staten Island, New York, twenty-five thousand dollars.         | at Staten Island. |
| Additional batteries at Fort Hamilton, at the Narrows, New York, fifty thousand dollars.          | Fort Hamilton.    |
| Fort Carroll, Baltimore harbor, Maryland, fifty thousand dollars.                                 | Fort Carroll.     |
| Fort Delaware, Delaware River, fifty thousand dollars.  | Fort Delaware.    |
| Fort Monroe, Hampton Roads, Virginia, five thousand dollars.                                      | Fort Monroe.      |
| Artesian well at Fort Monroe, six thousand dollars.   |                   |
| Repairing government bridge over Mill Creek, near Fort Monroe, five hundred dollars.              |                   |
| Fort Calhoun, Hampton Roads, Virginia, fifty thousand dollars.                                    | Fort Calhoun.     |
| Repairs of Fort Moultrie, Charleston harbor, South Carolina, eight thousand five hundred dollars. | Fort Moultrie.    |
| Fort Clinch, Amelia Island, Florida, thirty thousand dollars.                                     | Fort Clinch.      |
| Fort Taylor, Key West, Florida, seventy thousand dollars.   | Fort Taylor.      |
| Fort Jefferson, Garden Key, Florida, seventy-five thousand dollars.                               | Fort Jefferson.   |
| Fort McRee, and preservation of site, Pensacola, Florida, ten thousand dollars.                   | Fort McRee.       |
| Fort Gaines, Dauphin Island, Mobile Bay, Alabama, twenty thousand dollars.                        | Fort Gaines.      |
| Fortifications on Ship Island, coast of Mississippi, twenty thousand dollars.                     | at Ship Island.   |
| Fort Jackson, on Mississippi River, fifteen thousand dollars.                                     | Fort Jackson.     |
| Fort St. Philip, on Mississippi River, ten thousand dollars.                                      | Fort St. Philip.  |

of Red River of the North.

Report to be made.

Carlisle barracks.

Expenses of volunteers in Kansas in 1856.

Children of Edward Miltimore.

Medical corps to be increased.

Appropriation for fortifications.

Fort Montgomery.

Fort Knox.

Hog Island Ledge.

Fort Winthrop.

Fort Adams.

Fort Richmond.

at Staten Island.

Fort Hamilton.

Fort Carroll.

Fort Delaware.

Fort Monroe.

Fort Calhoun.

Fort Moultrie.

Fort Clinch.

Fort Taylor.

Fort Jefferson.

Fort McRee.

Fort Gaines.

at Ship Island.

Fort Jackson.

Fort St. Philip.

Fort at Galveston harbor.

Fortifications for defence of entrance into Galveston harbor, twenty thousand dollars.

Fort Point.

Fort at Fort Point, San Francisco, including outworks, fifty thousand dollars.

at Alcatraz Island.

Fort at Alcatraz Island, San Francisco Bay, California, twenty-five thousand dollars.

Contingent expenses.

Contingent expenses of fortifications, preservation of sites, protection of titles, and repair of sudden damage, thirty thousand dollars.

Sugar and coffee to non-commissioned officers, &c.

SEC. 4. *And be it further enacted*, That the allowance of sugar and coffee to the non-commissioned officers, musicians and privates of the army, as fixed by the seventeenth section of the act of the fifth of July, eighteen hundred and thirty-eight, shall hereafter be ten pounds of coffee and fifteen pounds of sugar for every one hundred rations.

1838, ch. 162, § 17, Vol. v. p. 258.

Payment to Iowa for expenses of defence against the Indians.

SEC. 5. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed, out of any money in the treasury not otherwise appropriated, to pay to the State of Iowa such sums of money as were paid by that State to troops called out by the governor of Iowa in eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine, to protect the frontier from Indian incursions: *Provided*, The secretary shall be satisfied that there was a necessity for calling out these troops; that the amounts have been actually paid by the State; that no greater pay or allowances be given than were received by officers and soldiers of equal grade at that period in the United States army, and that the amount so to be paid shall not exceed the sum of eighteen thousand nine hundred and eighty-eight dollars and eighty-four cents: *Provided further*, That compensation shall only be allowed for the period during which said troops were actively employed in military service.

Proviso.

Proviso.

Payment to Texas. 1850, ch. 83, § 2, Vol. xi. p. 484.

SEC. 6. *And be it further enacted*, That the provisions of the second section of the act of third March, eighteen hundred and fifty-nine, chapter eighty-three, be extended so as to include all the moneys advanced by the State of Texas in payment of volunteers called out in defence of the frontier of that State, since the twenty-eighth of February, eighteen hundred and fifty-five: *Provided*, The Secretary of War shall be satisfied that there was necessity for calling out these troops, that they were called out by competent authority, and that the amount so claimed was actually paid by the said State. And that the amount hereby provided for shall not exceed the sum of one hundred and twenty-three thousand five hundred and forty-four dollars and fifty-one cents: *Provided further*, That compensation shall only be allowed for the period during which said troops were actively employed in military service.

Proviso.

Proviso.

Pay and allowances of militia of New Mexico, called out in 1854. 1857, ch. 106, § 12, Vol. xi. p. 205.

SEC. 7. *And be it further enacted*, That the twelfth section of the act of third March, eighteen hundred and fifty-seven, be extended so as to embrace the pay proper and allowances of the militia of New Mexico therein named: *Provided*, They shall receive no greater pay and allowances than were given to officers and soldiers of equal grade at that period in the United States service, and that the amount hereby appropriated shall not exceed the sum of seventy-four thousand and nine dollars: *Provided further*, That compensation shall only be allowed for the period during which said troops were actively employed in military service.

Proviso.

Proviso.

Commission upon United States Military Academy, appointment and report of.

SEC. 8. *And be it further enacted*, That upon the passage of this act, or as soon thereafter as practicable, a commission shall be appointed, in the manner hereinafter designated, to consist of two senators, two members of the House of Representatives, and two officers of the army, which commission shall examine into the organization, system of discipline, and course of instruction of the United States Military Academy, with a view to ascertain what modification, or changes, if any, are desirable in order that the academy shall best accomplish the objects of its establishment. That the said commission shall report the result of its examination to the

Post, p. 125.

President of the Senate and Speaker of the House of Representatives. That the commissioners from the Senate shall be appointed by the President of the Senate, those from the House of Representatives by the Speaker of the House, and those from the army by the President of the United States.

SEC. 9. *And be it further enacted*, That the sum of fifteen hundred dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to defray the expenses of said commission.

Expenses of  
commission.  
*Post*, p. 125.

SEC. 10. *And be it further enacted*, That the lot of land in the city of San Antonio, Texas, given to the United States on the fifth day of March, eighteen hundred and fifty-seven, as a site for an arsenal and barracks, but for which it has been found to be unsuitable, be, and the same is, reconveyed to the said city of San Antonio.

Lot of land in  
San Antonio,  
Texas.

APPROVED, June 21, 1860.

CHAP. CLXIV.—*An Act providing for the Punishment of Marshals and Deputy Marshals of the United States, or other Ministerial Officers, for permitting the Escape of Prisoners in their Custody.*

June 21, 1860.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any marshal, deputy marshal, or other ministerial officer, shall have in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, or other ministerial officer, shall voluntarily suffer such prisoner to escape, the officer so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district or circuit court of the United States, shall be fined or imprisoned, or both, according to the discretion of the court in which such conviction shall take place, having respect to the nature of the crime with which the escaped prisoner shall have been charged, in a sum not exceeding two thousand dollars, and for a term not exceeding two years. This act shall be taken and construed to apply not only to cases in which the prisoner who escaped was charged, or found guilty of an offence against the laws of the United States, but also to cases in which a prisoner may be in custody charged with offences against any foreign government with whom the United States have treaties of extradition.

Voluntary es-  
capes of prisoner  
by marshals, &c.,  
how punished.

To what cases  
this act to apply.

APPROVED, June 21, 1860.

CHAP. CLXV.—*An Act to establish a Mail six Times a Week from Sacramento, in California, to Olympia, in the Territory of Washington.*

June 21, 1860.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster-General be, and he is hereby, authorized and directed, to so modify the contract with the contractors now performing services on routes twelve thousand five hundred and forty-three and twelve thousand five hundred and fifty-five so as to provide for the conveyance of the entire United States mail, in four-horse stages, daily, at a schedule of seven days, from April first to December first, and twelve days the remainder of the year, from Sacramento, via Yreka, Jacksonville, Roseburg, Oakland, and Salem, to Portland, Oregon, for a compensation of ninety thousand dollars per year, the contract to expire September fifteen, eighteen hundred and sixty-four; and that the Postmaster-General be, and is hereby, authorized and directed, to establish a service six times a week, at a schedule of thirty-six hours throughout the year, from Portland, Oregon, via Vancouver, Saint Helen's, and Monticello, to Olympia, in Washington Territory, by a contract, at a rate of compensation not to exceed the rate per mile allowed from Sacra-

Mail service  
between Califor-  
nia and Washing-  
ton Territory.