

their husbands would be entitled to, if living.

No widow now receiving a pension to be entitled to a further pension under this act.

No mortgage, sale, assignment, &c., of claims under this act to be valid.

Rules of evidence.

This act to take effect immediately.

during such widowhood, of equal amount per annum that their husbands would be entitled to, if living, under existing pension laws; to commence on the fourth day of March, eighteen hundred and forty-eight, and to be paid in the same manner that other pensions are paid to widows; but no widow now receiving a pension shall be entitled to receive a further pension under the provisions of this act; and no widow married after the first day of January, one thousand eight hundred, shall be entitled to receive a pension under this act.

SEC. 2. *And be it further enacted*, That any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any way granted by this act, shall be utterly void and of no effect, nor shall the annuities or pension granted by this act be liable to attachment, levy, or seizure by any process of law or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same. The same rules of evidence, regulations, and prescriptions shall apply and govern the Commissioner of Pensions and pension agents under this act as now prevail under existing pension laws which relate to widows of revolutionary officers and soldiers.

SEC. 3. *And be it further enacted*, That this act shall take effect immediately.

APPROVED, July 29, 1848.

Aug. 3, 1848.

CHAP. CXXI. — *An Act making Appropriations for the Naval Service, for the Year ending the thirtieth June, one thousand eight hundred and forty-nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated for the naval service for the year ending June thirtieth, one thousand eight hundred and forty-nine, out of any unappropriated money in the treasury, in addition to the sum of one million five hundred thousand dollars of the unexpended balances of former appropriations for the naval service. The remainder of such unexpended balances, after deducting the said sum of one million five hundred thousand dollars, to be carried to the surplus fund.

Part of unexpended balance of a former appropriation to be carried to the surplus fund.

Pay of officers and seamen.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the navy, two millions one hundred and eighty-nine thousand two hundred and eleven dollars.

Superintendent of Naval Observatory at Washington.

For the pay of the superintendent of the Naval Observatory at Washington city, who shall be a captain, commander, or lieutenant in the navy, three thousand dollars, which shall be the salary per annum of said superintendent. And the provision in the act entitled "An Act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-eight," which is in these words, viz.: "including three thousand dollars for pay of the superintendent, who shall be either a captain, commander, or lieutenant in the navy," shall be construed to apply to the superintendent of said Naval Observatory, and shall take effect from and after the passage of that act.

1847, ch. 49.

Superintendents, constructors, &c., at yards.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards, seventy-four thousand two hundred and twenty dollars.

Provisions.

For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines, attached to vessels for sea service, six hundred and seventy-seven thousand eight hundred and sixty dollars.

Surgeons' necessaries, &c., for sick and wounded.

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the marine corps, twenty-eight thousand five hundred dollars.

For increase, repair, armament, and equipment for the navy, including wear and tear of vessels in commission, coal for steamers, purchase of hemp, and one million two hundred thousand dollars for completing four first-class steamers, two millions five hundred and thirty-one thousand four hundred and seventy-four dollars.

Increase, repair, armament, &c., of vessels.

For ordnance and ordnance stores, including incidental expenses, two hundred and eighteen thousand four hundred and twenty dollars.

Ordnance and ordnance stores.

For nautical books, maps, charts, instruments, binding and repairing the same, and all expenses of the hydrographical office, thirty-five thousand dollars. And the Secretary of the Navy is hereby directed to expend five thousand dollars, or so much thereof as may be necessary, in causing the observations to be made which have been recently recommended to him by the American Philosophical Society and the Academy of Arts and Sciences.

Books, maps, charts, &c.

Observations recommended by American Philosophical Society.

For contingent expenses that may accrue for the following purposes, viz.: freight and transportation; printing and stationery; advertising in newspapers; books, maps, models, and drawings; purchase and repair of fire engines and machinery; repair of and attending on steam engines in yards; purchase and support of horses and oxen, and driving teams; carts, timber wheels, and the purchase and repair of workmen's tools; postage of public letters; furniture for government houses; fuel, oil and candles for navy-yards and shore stations; cleaning and clearing up yards; watchmen and incidental labor not chargeable to any other appropriation; labor attending the delivery of stores and supplies on foreign stations; wharfage, dockage, and rent; travelling expenses of officers; funeral expenses; store and office rent; stationery and fuel to navy agents and storekeepers; flags, awnings, and packing boxes; premiums and other expenses of recruiting; apprehending deserters; per diem pay to persons attending courts-martial, and courts of inquiry, or other service authorized by law; pay to judge advocates; pilotage and towage of vessels; assistance rendered to vessels in distress; seven hundred thousand dollars. And the Secretary of the Navy is hereby authorized, from the sum aforesaid, without further notice or advertisement, out of the appropriation for provisions, to purchase, at his discretion, a sufficient quantity of flour and corn-meal prepared and dried by the process and machinery invented by J. R. Stafford, of Ohio, to be sent to different naval stations, to test its capacity to resist the influence of time and climate, and to ascertain what advantage there may be in introducing the use of the same for the navy.

Miscellaneous expenses.

Test of kiln dried flour and corn-meal.

For the transportation of the United States mail between New York and Liverpool, between New York and New Orleans, and Havana and Chagres, and between Panama and Astoria, under the act of the third of March, eighteen hundred and forty-seven, eight hundred and seventy-four thousand six hundred dollars. And the Secretary of the Navy is hereby directed to advance to the contractors for said service, or to their assignees, for the purpose of enabling them to finish the steamships contracted for under their respective contracts, the sum of twenty-five thousand dollars per month on each of said ships, after such ship shall have been launched; but the money so advanced under any one of said contracts shall not exceed the amount of one year's compensation, stipulated for in such contract, to be secured in all cases by a lien on said ships, in such manner as the Secretary of the Navy may require; and the money so advanced shall be faithfully expended in finishing said ships to the satisfaction of the Secretary of the Navy; and compensation on the contract from Panama to Astoria shall commence from the time the ships are ready for service, and placed at the disposal of the United States; the said annual compensation, however, not to commence until first October, eighteen hundred and forty-eight: *Provided*, That the contractor for the line

Transportation of the United States mail in steamships.

1847, ch. 62.
Secretary of the Navy may make advances to contractors.

When compensation on the contract from Panama to Astoria shall commence.

- Proviso for additional places of stopping. from Panama to Astoria, as the condition of this advance, be required to stop and deliver and take mails at San Diego, San Francisco, and Monterey, in California, if required so to do by the Secretary of the Navy, with the concurrence of the Postmaster-General: *And provided further*, That, in consideration of the foregoing advance, the line of steamers provided in the contract with A. S. Sloo shall stop, going and returning, at Charleston, if practicable, and Savannah.
- Contingent expenses. For contingent expenses for objects not hereinbefore enumerated, two thousand dollars.
- Grading University Square. Depot for charts. To pay arrearages due for grading University Square, and other expenses, for the construction of the depot for charts and instruments, being a reappropriation in part of a sum carried to the surplus fund, heretofore appropriated for that purpose, ten thousand forty-three dollars and seventy-seven cents.
- Marine hospital, New Orleans. For furnishing the marine hospital building at New Orleans, seven thousand five hundred dollars.
- Meteorological observations. For "meteorological observations," to be conducted under the direction of the Secretary of the Navy, two thousand dollars.
- Depot at New Orleans. For the establishment of a depot for naval stores, which the Secretary of the Navy is hereby required to cause to be located at or near the city of New Orleans, twenty thousand dollars.
- Construction, &c., and current expenses at navy-yards. For the construction, extension, and completion of the following objects, and for the current repairs at the several navy-yards, viz.:
- Portsmouth. *At Portsmouth.* — For completing quay wall and wharf, and wharf number one; wall west side of ship-house number four, and filling in; timber shed opposite number seven, and addition to smithery I; brick powder magazine, engine, fixtures, &c., for blowing-fires to forges; and for repairs of all kinds, fifty thousand five hundred and fifty-one dollars.
- Boston. *At Boston.* — For timber shed number thirty-seven, and pier wharf at angle number fifty-nine; coal-house near dry-dock, and pier wharf in rear of carpenter's and joiner's shop; for eight knee docks, and tracks for stowage of guns in gun park; for completing brick barn; and repairs of all kinds, ninety-seven thousand three hundred and fifty-one dollars.
- New York. *At New York.* — For iron and copper store, cooperage, cob wharf, and filling in timber pond; dredging channels and wharf in front of hospital lands; steam engine in smithery, steam pipes, &c., and cistern for each reservoir; paving and flagging, and granite skids, and platforms for cannon, and for repairs of all kinds, one hundred and six thousand dollars.
- For the dry-dock, three hundred and fifty thousand dollars.
- For the purchase by the Secretary of the Navy of the land, above and under water, bounded by Flushing Avenue, in the city of Brooklyn, in the State of New York, the United States navy-yard, hospital grounds, and the Wallabout Bay to the channel, two hundred and eighty-five thousand dollars: *Provided*, That no part of said sum of money shall be applied to the payment of the purchase money until a good and perfect title is secured to the United States for the said land and its appurtenances.
- Philadelphia. *At Philadelphia.* — For removing and extending ship-house G; completing wharf number two; dredging machine; and repairs of all kinds, fourteen thousand five hundred dollars.
- Washington. *At Washington.* — For chain-cable forges, and fitting part of number eleven for a boiler shop; steam hammer for smith's shop, and alteration in hydraulic proving machine; converting joiner's shop in number twelve to mould loft, and steam hammer in place of old tilt hammer; ordnance workshops, and extending brass foundry; extending blacksmith's shop and iron store under N, and finishing shop for

smithery; converting old foundry into stables, and for repairs of all kinds, thirty-two thousand four hundred and eighteen dollars.

At Norfolk. — For extension of quay walls; completing slip forty-eight, and for the storehouse number nineteen; brick stables; steam hammer and engine; brick gun place, coal-house, and landing wharf; culvert drill press; punching machine and cutting shears, and for repairs of all kinds, one hundred and forty-four thousand one hundred and thirty-six dollars.

Norfolk.

At Pensacola. — For two third class officers' houses; completing timber shed number twenty-six; dredge machine scows; four warrant officers' houses, and guard-house; coal-house; paint shop and rail tracks; permanent wharf; drain in rear of officers' quarters; wharf and rail track in front of storehouse number twenty-six; paving, grading, planting trees and levelling, and for repairs of all kinds, one hundred and fifty-nine thousand six hundred and twenty-five dollars.

Pensacola.

For construction, in part, of a new timber shed at said navy-yard, fifty thousand dollars.

For payment of such arrearages as the Secretary of the Navy may in law and equity decide to be due to Jerrison and Foster, seven thousand dollars.

At Memphis. — For completing commandant's house and storehouse; tarring-house; engine and machinery for saw mill; timber shed, and boat-builder's shop, and wall to enclose yard; embankment and excavations; machinery for ropewalk, and for repairs of all kinds, one hundred and seventy-four thousand and thirty-eight dollars.

Memphis.

At Sackett's Harbor. — For the completion of officers' quarters, and for repairs of all kinds, two thousand dollars.

Sackett's Harbor.

For Hospitals, viz.: At Boston. — For repairing hospital buildings and dependencies, fences and furnaces, painting, glazing, and white-washing, two thousand eight hundred dollars.

Hospitals, viz. : Boston.

For the completion of the marine hospitals now building, viz. : At Pittsburg, ten thousand dollars; at Cleveland, ten thousand dollars; at Louisville, ten thousand dollars.

Pittsburg.

For the purpose of erecting marine hospitals on the sites owned by the United States at the following places, viz. :

Erection of marine hospitals.

At St. Louis, ten thousand dollars; at Natchez, ten thousand dollars; at Paducah, ten thousand dollars.

St. Louis.

At Napoleon, Arkansas, (so soon as the government title to the site selected and purchased shall be perfected,) ten thousand dollars.

Napoleon, Ark.

Also for the construction of a marine hospital on such site as shall be selected by the Secretary of the Treasury, on the lands owned by the United States at Chicago, ten thousand dollars.

Chicago.

At New York. — For purchase from the city of New York of water front to hospital lands; for surgeon's house; paving, guttering, and completing sewer, and for current repairs, twenty thousand and fifty-seven dollars.

New York.

At Washington. — For current repairs, one hundred dollars.

Washington.

At Norfolk. — For repairs of galleries, cells, bath-house, fence, and surgeon's house, one thousand four hundred dollars; and for making necessary repairs for the marine hospital at Norfolk, sixteen hundred dollars.

Norfolk.

At Pensacola. — For bricking up ponds and drain, repairs to hospital, and for current repairs, six thousand three hundred and seventy-eight dollars.

Pensacola.

At Mobile. — For necessary repairs of the marine hospital, one thousand and ninety dollars.

Mobile.

For Magazines, viz.: — At Boston, five hundred dollars.

At New York, five hundred dollars.

Magazines, viz. : Boston.

At Washington, two hundred dollars.

New York.
Washington.

- Norfolk. At Norfolk, one thousand nine hundred and thirty-eight dollars.
- Marine corps. *Marine Corps.* — For pay of officers, non-commissioned officers, musicians, privates, and servants, serving on shore, subsistence of officers, and pay for undrawn clothing, two hundred and eighty-three thousand dollars.
- Pay of officers, marines, &c.
- Provisions. For provisions for marines, serving on shore, sixty thousand dollars.
- Clothing. For clothing, eighty-one thousand four hundred and ninety-two dollars.
- Fuel. For fuel, eleven thousand three hundred and thirty-four dollars.
- Military stores. For military stores, repair of arms, pay of armorers, accoutrements, ordnance stores, flags, drums, fifes, and musical instruments, eight thousand dollars.
- Transportation. For transportation of officers and troops, and for expenses of recruiting, twelve thousand dollars.
- Contingencies. For contingencies, viz.:
- Miscellaneous expenses. Freight, ferrriage, toll, cartage, wharfage, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor; house-rent, in lieu of quarters; burial of deceased marines; printing, stationery, forage, postage, pursuit of deserters; candles, oil, straw, furniture, bed sacks, spades, axes, shovels, picks, carpenters' tools; keep of a horse for messenger, pay of the matron, washerwoman, and porter at hospital head-quarters, twenty-two thousand dollars.

Relief and protection of American seamen. For the relief and protection of American seamen in foreign countries, further to supply deficiencies in appropriations made for the service of the fiscal year ending thirtieth June, eighteen hundred and forty-eight, twenty thousand dollars.

Improvements &c., at the naval school at Annapolis, viz.:

Enclosing grounds. **SEC. 2.** *And be it further enacted,* That the sum of seventeen thousand and three hundred dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for improvements and repairs at the naval school at Annapolis, to be expended as follows: For enclosing the grounds embraced in the new purchase, repairing the houses thereon, docking, grading, and improving the grounds, six thousand eight hundred dollars.

Superintendent's house. For repairing and tinning superintendent's house, one thousand five hundred dollars.

Building an arsenal. For building an arsenal, five hundred dollars.

Houses for professors. For raising the row of houses occupied by professors, one story, six thousand dollars.

For completing mess-room and lyceum, five hundred dollars.

For painting outside of houses, and other necessary repairs, one thousand five hundred dollars.

For fire engines and apparatus, complete, five hundred dollars.

1847, ch. 48. **SEC. 3.** *And be it further enacted,* That in execution of the act approved March third, eighteen hundred and forty-seven, making appropriations for the naval service, &c., directing, among other things, the construction of floating dry-docks at the navy-yards at Philadelphia, Pensacola, and Kittery, and in pursuance of the reports in favor of the two plans hereinafter named as best adapted to naval purposes, made by a board of officers appointed to examine all the plans, and by the Bureau of Yards and Docks, the Secretary of the Navy is hereby directed forthwith to enter into a contract with Samuel D. Dakin and Rutherford Moody, for the complete construction, within a reasonable time from the date of the contract, of a sectional floating dry-dock, basin, and railways, at the navy-yard at Philadelphia, according to the plan and specifications submitted by them to the Navy Department; and also to enter into a contract with John S. Gilbert and Zeno Secor, for the complete construction, within a reasonable time from the date of the contract, of a balance floating dry-dock, basin, and railways, at

Secretary of the Navy to enter into a contract with S. D. Dakin and Rutherford Moody for the construction of a sectional floating dry-dock, &c., at Philadelphia navy-yard.
Also to enter

the navy-yard at Pensacola, according to the plan and specifications submitted by them to the Navy Department; and also to enter into a contract with one or the other of the respective parties above named, for the complete construction, within a reasonable time from the date of the contract, at the navy-yard at Kittery, of a floating dry-dock, basin, and railways, upon either of the above-named plans that the said Secretary may prefer as best adapted to said yard; the said works at each yard to be of the largest dimensions proposed in said plans and specifications: *Provided*, That in each case such contract can be made at prices that shall not exceed by more than ten per cent. the prices which have been submitted by either of the said proprietors to the Navy Department for a floating dry-dock on either of said plans, and for the basins and railways, of the dimensions aforesaid, at any of the said navy-yards: *And provided further*, That the said Secretary shall also, by further contract with said parties, enlarge the dimensions of said works at each yard to a capacity sufficient for docking war-steamers of the largest class, at least three hundred and fifty feet in length, if the dimensions above mentioned should not be found adequate for that purpose.

Proviso as to price.

Proviso as to enlarging dimensions.

SEC. 4. *And be it further enacted*, That the sum of four hundred thousand dollars is hereby appropriated towards said works from any money in the treasury not otherwise appropriated, which sum, together with the sums that remain unexpended of the appropriations made by said act of March third, eighteen hundred and forty-seven, for floating dry-docks at the three navy-yards aforesaid, shall be applied towards the payments to be provided for in the said contracts, and be equally divided between the said contracts for the said works at the three navy-yards aforesaid.

Appropriation for said docks.

How applied.

SEC. 5. *And be it further enacted*, That hereafter the amount of money commutation allowed by law in lieu of the spirit ration shall be increased to four cents.

Commutation for spirit ration increased.

1847, ch. 43.

SEC. 6. *And be it further enacted*, That when any master in the navy, or passed midshipman, holding an acting appointment as master from the Secretary of the Navy, has performed, or shall hereafter perform, the duty of a lieutenant, under an order of the commander of the vessel to which he was or shall be at the time attached, to supply a deficiency in the established complement of lieutenants of said vessels, whether belonging to a squadron or on separate service, which order shall have been subsequently approved by the Secretary of the Navy, [he] shall be allowed the pay of a master for the period or periods during which he shall have performed such duty.

Pay allowed to masters and passed midshipmen acting as masters, when performing the duties of lieutenants.

SEC. 7. *And be it further enacted*, That in calculating for the pay of surgeons in the navy, hereafter, the time upon the graduated scale of pay shall be reckoned from their original entry into the service.

Pay of surgeons in the navy.

SEC. 8. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, directed to report to Congress, at the commencement of the next session, the number of persons in the naval service flogged in each of the years eighteen hundred and forty-six and eighteen hundred and forty-seven, specifying the name of the ship, the offence, the sentence, and the number of lashes inflicted; and it shall be his duty to make a similar report for each year thereafter.

Secretary to report to Congress, annually, the number of persons flogged in the navy, &c.

SEC. 9. *And be it further enacted*, That, on the application of the Secretary of the Navy, the President of the United States be authorized, when, in his opinion, the contingencies of the public service may require it, to transfer any portion of the sum of one million five hundred thousand dollars of unexpended balances of former appropriations, mentioned in the first section of this act, from one head of appropriation to any other head of the appropriations made for the naval service; and in all cases of such transfer, a special account of the moneys trans-

Transfer of certain appropriations authorized.

Report thereof
to Congress.

Net proceeds of
postages collect-
ed in the several
lines of steamers
carrying the Uni-
ted States mails;
how to be ap-
plied.

The provision
of the naval ap-
propriation act of
3d March, 1843,
ch. 83, requiring
that all articles
for use of the
navy be furnished
by contract with
the lowest bidder,
modified so far as
relates to con-
tracts for tobac-
co.

Number of profes-
sors of mathe-
matics in the
navy not to ex-
ceed twelve.

Their duties
and pay.

Insane persons
in the naval ser-
vice to be placed
in such lunatic
hospitals as the
Secretary of the
Navy may direct.

Number of mid-
shipmen increas-
ed to 464.

342, ch. 121.

Proviso as to
appointments.

1845, ch. 77.

ferred, and their application, shall be laid before Congress at each ses-
sion, previous to its adjournment.

SEC. 10. *And be it further enacted*, That it shall be the duty of the
Postmaster-General, under the direction of the President, to cause the
net receipts of postages collected on the several lines of steamers from
New York to Liverpool, from New York to Chagres, and from Pana-
ma to some point in the Territory of Oregon, stipulated for in con-
tracts made with the Secretary of the Navy, to be deposited in the
treasury to the credit of the appropriation for the annual compensation
for the service to be rendered under said contracts, or otherwise apply
the said postages in payment of the said annual compensation.

SEC. 11. *And be it further enacted*, That so much of the proviso of
the act of third of March, one thousand eight hundred and forty-three,
entitled "An Act making appropriations for the naval service for the
half calendar year beginning the first of January, and ending the thir-
tieth of June, one thousand eight hundred and forty-four," &c., as
requires that materials of every name and nature for the use of the
navy be furnished by contract with the lowest bidder, be, and the same
is hereby, so far modified, that it shall be lawful for the Secretary of
the Navy, hereafter, to enter into contract for tobacco, from time to
time, as the service requires, for a period not exceeding four years;
and in making such contracts, he shall not be restricted to the lowest
bidder, unless, in his opinion, economy and the best interests of the
service will be thereby promoted.

SEC. 12. *And be it further enacted*, That the number of professors
of mathematics in the navy shall not exceed twelve; that they shall be
appointed and commissioned by the President of the United States, by
and with the advice and consent of the Senate, and shall perform such
duties as may be assigned them by order of the Secretary of the Navy,
at the Naval School, the Observatory, and on board ships-of-war, in
instructing the midshipmen of the navy, or otherwise. That when on
duty, the pay of a professor of mathematics shall be at the rate of
fifteen hundred dollars per annum, with a ration; and when on leave
of absence or waiting orders, the pay shall be at the rate of eight hun-
dred dollars per annum.

SEC. 13. *And be it further enacted*, That the Secretary of the Navy
be, and he is hereby, authorized to cause persons in the naval service
or marine corps, who shall become insane while in the service, to be
placed in such lunatic hospital as in his opinion will be most con-
venient and best calculated to promise a restoration of reason; and
that in addition to the pay which may from time to time be due to
such person, he may, from the annual appropriation for the naval
service, under the head of contingent enumerated, pay any deficiency
of a reasonable expense; provided, that in each case it does not
exceed one hundred dollars per annum.

SEC. 14. *And be it further enacted*, That the proviso of the act of
August fourth, eighteen hundred and forty-two, limiting the number
of officers of the navy of the grade of midshipmen to the number that
were in service on the first day of January, eighteen hundred and
forty-one, be, and is hereby, so modified as to authorize the appoint-
ment of officers of that grade, to the number of four hundred and
sixty-four: *Provided*, That the appointments shall be made according
to the directions of the fifth section of the act approved March third,
eighteen hundred and forty-five, entitled "An Act making appropri-
ations for the naval service for the year ending thirtieth June, eighteen
hundred and forty-six;" and in appointing from each State, hereafter,
its proportion of officers of that grade, the appointments shall be ap-
portioned, as nearly as practicable, equally among the several congres-
sional districts therein.

SEC. 15. *And be it further enacted*, That from and after the passage of this act, the annual pay of boatswains, gunners, carpenters, and sail-makers at the navy-yard at Pensacola shall be the same as now allowed by law to the forward warrant officers at the navy-yards at Boston, New York, and Norfolk.

Annual pay of boatswains, gunners, carpenters, and sail-makers, at Pensacola, established.

SEC. 16. *And be it further enacted*, That the restriction established by the fourth section of the act approved March third, eighteen hundred and forty-five, whereby no more than one hundred and eighty passed midshipmen, and those senior in rank, shall at the same time receive the pay fixed by law for that class of officers, be suspended in its operation from the passage of this act, until the class of eighteen hundred and forty-one and eighteen hundred and forty-two shall have been examined, and the relative rank established among those who shall pass their examination.

Restriction in act of 3d March, 1845, ch. 77, relating to the number of passed midshipmen receiving pay, suspended.

APPROVED, August 3, 1848.

CHAP. CXXII. — *An Act supplemental to an Act to confirm the Survey and Location of Claims for Lands in the State of Mississippi, east of the Pearl River, and south of the thirty-first Degree of North Latitude, approved March three, eighteen hundred and forty-five.*

Aug. 5, 1848.

1845, ch. 46.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all confirmed claims and settlement rights for lands situate in the State of Mississippi, east of the Pearl River and south of thirty-first degree of north latitude, which had not been actually surveyed on the ground, and for which no plats of actual survey had been returned to the surveyor-general's office south of Tennessee, on or before the first day of January, one thousand eight hundred and thirty-nine, shall be, and are hereby, confirmed, according to actual surveys hereafter to be made as herein provided for, in the same manner that said claims actually surveyed on the ground, and returned to the surveyor-general's office at the time aforesaid, are confirmed by the act to which this is a supplement; and the surveyor-general is hereby authorized and directed, on request of any party interested, to cause the survey of said claims, without delay, and at any time between the passage of this act and the first day of January, eighteen hundred and fifty, to be made and returned to his office, and he shall certify the return and plats of such actual surveys, so made, to his office, to the register and receiver for lands in the Augusta district for said State. And the surveyor-general, and the said register and receiver, shall regard these claims and plats of actual survey, in all respects, upon the same footing with the claims confirmed as actually surveyed upon the ground, by said act to which this is a supplement, and subject to, and entitled to, the benefits of all the provisions of said act: *Provided*, That if it shall appear to the surveyor-general, from the plats of actual survey already returned to his office, that any of said claims cannot now be actually surveyed on the ground, owing to their conflict with other claims already confirmed as actually surveyed on the ground, by the act to which this is a supplement, then it shall be lawful for him to grant to the claimant, so deprived of his location, a warrant, as provided by the fourth section of said act, without causing the survey to be made.

Certain land claims in the State of Mississippi confirmed according to actual surveys hereafter to be made.

Surveys to be made and returns certified to the register and receiver for the Augusta land district.

Proviso: when survey cannot be made.

SEC. 2. *And be it further enacted*, That all warrants which have been heretofore issued, or which shall hereafter be issued, by the surveyor-general south of Tennessee, under the provisions of the original act to which this is a supplement, and under the provisions of this act, be, and they are hereby, authorized to be located upon any lands subject to sale at private entry in the State of Mississippi, in any of the land

Warrants issued by the surveyor-general south of Tennessee under the act to which this is a supplement, may be located upon any