

STATUTE I.

June 30, 1834.

CHAP. CXXIX.—*An Act to enable the Secretary of State to purchase the papers and books of General Washington.*

Appropriation for papers and books of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby appropriated, to be paid out of any [money] in the treasury not otherwise appropriated—to enable the Secretary of State to purchase the manuscript papers and a portion of the printed books of General George Washington, the said papers and books to be deposited and preserved in the Department of State; under the regulations the Secretary shall prescribe.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CXXX.—*An Act authorizing the President of the United States to cause certain roads to be opened in Arkansas.*

Appropriations for Roads from Helena to the mouth of Cache river;

From Jackson to fort Smith, and From Strong's to Batesville.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of ten thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to enable the President of the United States to cause a road to be opened from Helena, in Arkansas territory, to the mouth of Cache river; also, a road leading from Jackson, in the county of Lawrence, by Liberty and Fayetteville, in the county of Washington, in the aforesaid territory, to fort Smith: *And also,* That the sum of seven thousand dollars be, and the same is hereby appropriated, for the purpose of locating and constructing a road from Strong's, (a point on the military road from Memphis to Little Rock,) by Letchfield in Jackson county, to Batesville, in the territory of Arkansas.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CXXXI.—*An Act to suspend the operations of certain provisos of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, eighteen hundred and thirty-two.*

Part of act of July 14, 1832, ch. 227, suspended.

Secretary of Treasury to report to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July fourteenth, eighteen hundred and thirty-two, be, and the same are hereby, suspended until the third day of March next. And in the mean time, that the Secretary of the Treasury be directed to inquire, whether it be necessary to except any manufactured articles from the operation and effect of those provisos, by reason of the difficulty of ascertaining the duties chargeable upon such articles, and that he make report to Congress, at the commencement of the next session.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CXXXII.—*An Act for the better organization of the United States' "marine corps."*⁵³ (a)

Of what the corps shall consist.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the pas-

(a) *Marine Corps.* (Notes to act of July 11, 1798, vol. i. p. 594.)

A brevet field officer of the marine corps is not entitled by law to brevet pay and rations by reason of his commanding a separate post or station, if the force under his command would not entitle a brevet

sage of this act, the marine corps shall consist of the following officers, non-commissioned officers, musicians and privates, viz: one colonel commandant, one lieutenant colonel, four majors, thirteen captains, twenty first lieutenants, twenty second lieutenants, one adjutant and inspector, one paymaster, one quartermaster, one assistant quartermaster, one sergeant major, one quartermaster sergeant, one drum major, one fife major, eighty sergeants, eighty corporals, thirty drummers, thirty fifers, and one thousand privates.

SEC. 2. *And be it further enacted*, That the said corps shall, at all times, be subject to, and under the laws and regulations which are, or may hereafter be, established for the better government of the navy, except when detached for service with the army by order of the President of the United States.

Subject to the laws of navy, except when on service with the army.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, musicians and privates, shall take the oath prescribed by law, and that all enlistments shall be for the term of four years, during which period marines, so enlisted, shall be, and are hereby, exempt from all personal arrest for debt or contract.

Enlistments to be for four years and marines exempt from arrest for debt.

SEC. 4. *And be [it] further enacted*, That the officers of the marine corps shall be, in relation to rank, on the same footing as officers of similar grades in the army: *Provided*, That no officer of the marine corps shall exercise command over any navy yard or vessel of the United States.

Rank of officers as in the army. Proviso.

SEC. 5. *And be it further enacted*, That the officers of the marine corps shall be entitled to, and receive the same pay, emoluments, and allowances, as are now, or may hereafter be, allowed to officers of similar grades in the infantry of the army, except the adjutant and inspector, who shall be entitled to the same pay, emoluments and allowances, as are received by the paymaster of said corps; and the non-commissioned officers, musicians and privates, shall be entitled to the same pay, rations, clothing, and allowances, as they now receive.

Pay and emoluments.

SEC. 6. *And be it further enacted*, That the staff of said corps shall be taken from the captains or subalterns of the corps.

Staff.

SEC. 7. *And be it further enacted*, That the commissions of the officers now in the marine corps shall not be vacated by this act, and that the President of the United States may, during the recess of the Senate, first by promotions according to rank and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

Existing commissions not to be vacated.

SEC. 8. *And be it further enacted*, That the President be, and he is hereby, authorized to prescribe such military regulations for the discipline of the marine corps, as he may, in his judgment, deem expedient.

President to prescribe regulations.

SEC. 9. *And be it further enacted*, That so much of the fourth section of an act, passed the sixth day of July, in the year one thousand eight hundred and twelve, entitled "An act making further provision for the army of the United States, and for other purposes," or of any other act as

Parts of former acts repealed. July 6, 1812, ch. 137.

field officer of infantry of similar grade to brevet pay and rations. *United States v. Freeman*, 3 Howard, 556.

The act of 1834, ch. 132, does not repeal the first section of the act of 1818, ch. 64, regulating the pay and emoluments of brevet officers. *Ibid.*

The fifth section of the act of June 30, 1834, ch. 132, is a repeal of the joint resolution of the two houses of Congress of May 25, 1832, respecting the pay and emoluments of the marine corps. *Ibid.*

By force of the army regulation No. 1125, authorizing the issue of double rations to officers commanding departments, posts, and arsenals, a brevet field officer of marines is entitled to double rations. But the fact must be shown that he had such a command of a post or arsenal at which double rations had been allowed according to the army regulations. *Ibid.*

The fact of appropriations having been made by Congress for double rations does not determine what officers are entitled to them. *Ibid.*

A brevet field officer of the marine corps, commanding a separate post, without a command equal to his brevet rank, is not entitled to his brevet pay and emoluments. But if such brevet officer is a captain in the line of his corps, and in the actual command of a company, whether he is in the command of a post or not, he is entitled to the compensation given by the act of March 2, 1827, ch. 42. *Ibid.*

Act of July 6,
1812, ch. 137.

Act of April
16, 1818, ch. 64.

Proviso.

Conflicting acts
repealed.

authorizes the President to confer brevet rank on such officers of the army or of the marine corps, as shall have served ten years in any one grade, shall be, and the same hereby is, repealed; and so much of the second section of an act passed the sixteenth of April, one thousand eight hundred and eighteen, entitled "An act regulating the pay and emoluments of brevet officers," as may be applicable to the clause herein above repealed, shall be, and the same hereby is, also repealed: *Provided*, Nothing herein shall affect any right already acquired by ten years' expired service to brevet rank.

SEC. 10. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CXXXIII.—*An Act to increase and regulate the pay of the surgeons and assistant surgeons of the army.*

Appointment
of surgeons and
assistants.

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 person shall receive the appointment of assistant surgeon in the army of the United States, unless he shall have been examined and approved by an army medical board, to consist of not less than three surgeons or assistant surgeons, who shall be designated for that purpose by the Secretary of War; and no person shall receive the appointment of surgeon in the army of the United States, unless he shall have served at least five years as an assistant surgeon, and unless, also, he shall have been examined by an army medical board constituted as aforesaid.

Pay and emo-
luments.

SEC. 2. *And be it further enacted*, That the surgeons in the army of the United States shall be entitled to receive the pay and emoluments of a major; and the assistant surgeons, who shall have served five years, shall be entitled to receive the pay and emoluments of a captain; and those who shall have served less than five years, the pay and emoluments of a first lieutenant; and that said assistant surgeons shall be entitled to receive the same allowance for forage as they are at present entitled to.

Increase of
rations after ten
years' service.

SEC. 3. *And be it further enacted*, That every surgeon and assistant surgeon, who shall have served faithfully ten years in these grades, respectively, shall be entitled to receive an increase of rations, per day, equal to the number of rations to which he may be entitled under this act.

APPROVED, June 30, 1834.

STATUTE I.

June 30, 1834.

CHAP. CXXXIV.—*An Act concerning naval pensions, and the navy pension fund.*

Act of June
28, 1832, ch. 151,
prolonged for
five years.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the provisions and benefits of the act of the twenty-eighth of June, one thousand eight hundred and thirty-two, entitled "An act further to extend the pension heretofore granted to the widows of persons killed, or who died in the naval service," be continued for another term of five years to all those widows who have heretofore had the benefit of the same, and the same are hereby also extended to the widows of officers, seamen and marines, who have died in the naval service since the first day of January, one thousand eight hundred and twenty-four, or who may die in said service, by reason of disease contracted, or of casualties by drowning or otherwise, or of injuries received while in the line of their duty, and the pensions of such widows shall commence from the passage of this act: *Provided*, That every pension hereby granted shall cease on the death or marriage of such widow.

Proviso.