

additional pay, extra allowance, or compensation, in any form whatever, on account of the disbursing any public money appropriated by law during the present session, for fortifications, execution of surveys, works of internal improvement, building of arsenals, purchase of public supplies of any description, or for any other service or duty whatsoever, unless authorized by law.

APPROVED, March 3, 1835.

STATUTE II.

CHAP. XXVII.—*An Act to regulate the pay of the navy of the United States.*

March 3, 1835.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act, the annual pay of the officers of the navy of the United States shall be as follows:

Annual pay of navy officers.

THE SENIOR CAPTAIN.

At all times when in service, four thousand five hundred dollars.
When on leave of absence, or waiting orders, three thousand five hundred dollars.

Senior captain.

ALL OTHER CAPTAINS.

When in command of squadrons on foreign stations, four thousand dollars.
When on other duty, three thousand five hundred dollars.
When off duty, two thousand five hundred dollars.

Captains.

COMMANDERS, OR MASTERS COMMANDANT.

When attached to vessels for sea service, two thousand five hundred dollars.
When attached to navy yards, or on other duty, two thousand one hundred dollars.
When on leave of absence, or waiting orders, one thousand eight hundred dollars.

Commanders, or masters commandant.

LIEUTENANTS.

Commanding, one thousand eight hundred dollars.
On other duty, one thousand five hundred dollars.
Waiting orders, one thousand two hundred dollars.

Lieutenants.

ASSISTANT SURGEONS.

Waiting orders, six hundred and fifty dollars.
At sea, nine hundred and fifty dollars.
After passing and found qualified for promotion to surgeon, eight hundred and fifty dollars.
At sea, one thousand two hundred dollars.
When stationed at navy yards, hospitals, rendezvous, and receiving ships, nine hundred and fifty dollars.
After being passed and stationed as above, one thousand one hundred and fifty dollars.

Assistant surgeons.

SURGEONS.

For the first five years after the date of his commission, one thousand dollars.
For the second five years, one thousand two hundred dollars.
For the third five years, one thousand four hundred dollars.
For the fourth five years, one thousand six hundred dollars.
After he shall have been commissioned as a surgeon twenty years and upwards, one thousand eight hundred dollars.

Surgeons.

All surgeons of the navy under orders for duty, at navy yards, receiving vessels, rendezvous, or naval hospitals, shall have an increase of one-fourth of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders.

All surgeons of the navy ordered to any of the ships or vessels of the United States, commissioned for sea service, shall have an increase of

one-third of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders.

All surgeons of the navy, ordered as fleet surgeons, shall have an increase of one half of their respective annual pay, from the date of their acceptance of such orders.

CHAPLAINS.

Chaplains. When attached to vessels for sea service, or at navy yards, one thousand two hundred dollars.

When on leave of absence, or waiting orders, eight hundred dollars.

PROFESSOR OF MATHEMATICS.

Professor of mathematics. When attached to vessels for sea service, or in a yard, one thousand two hundred dollars.

SECRETARIES.

Secretaries. To commanders of squadrons, when commanding in chief, one thousand dollars.

To commanders of squadrons, when not commanding in chief, nine hundred dollars.

SAILINGMASTERS.

Sailingmasters. Of a ship of the line, for sea service, one thousand one hundred dollars.

When on other duty, one thousand dollars.

When on leave of absence, or waiting orders, seven hundred and fifty dollars.

SECOND MASTERS.

Second masters. When attached to vessels for sea service, seven hundred and fifty dollars.

When on other duty, five hundred dollars.

When on leave of absence, or waiting orders, four hundred dollars.

PASSED MIDSHIPMEN.

Passed midshipmen. On duty, seven hundred and fifty dollars.

Waiting orders, six hundred dollars.

WARRANTED MASTERS' MATES.

Warranted masters' mates. When attached to vessels for sea service, or at navy yards, four hundred and fifty dollars.

When on leave of absence, or waiting orders, three hundred dollars.

MIDSHIPMEN.

Midshipmen. When attached to vessels for sea service, four hundred dollars.

When on other duty, three hundred and fifty dollars.

When on leave of absence, or waiting orders, three hundred dollars.

CLERKS.

Clerks. Of a yard, nine hundred dollars.

First clerk to a commandant of a navy yard, nine hundred dollars.

Second clerk to a commandant of a navy yard, seven hundred and fifty dollars.

To commanders of squadrons, captains of fleets, and commanders of vessels, five hundred dollars.

BOATSWAINS, GUNNERS, SAILMAKERS, CARPENTERS.

Boatswains, gunners, sailmakers, and carpenters. Of a ship of the line, for sea service, seven hundred and fifty dollars.

Of a frigate for sea service, six hundred dollars.

When on other duty, five hundred dollars.

When on leave of absence, or waiting orders, three hundred and sixty dollars.

Officers temporarily on duty of higher grade. Officers temporarily performing the duties belonging to those of a higher grade, shall receive the compensation allowed to such higher grade, while actually so employed.

On furlough. No officer shall be put on furlough but at his own request, and all

officers so furloughed shall receive one half only of the pay to which they would have been entitled if on leave of absence.

If any assistant surgeon shall have been absent from the United States, on duty, at the time others of his date were examined, he shall if not rejected at a subsequent examination be entitled to the same rank with them; and if from any cause, his relative rank cannot be assigned to him, he will retain his original position on the register.

One ration per day, only, shall be allowed to all officers when attached to vessels for sea service.

Sec. 2. *And be it further enacted*, That no allowance shall hereafter be made to any officer, in the naval service of the United States, for drawing bills, for receiving or disbursing money, or transacting any business for the government of the United States, nor shall he be allowed servants, or pay for servants, or clothing or rations for them or pay for the same, nor shall any allowance be made to him for rent of quarters or to pay rent for furniture, or for lights or fuel, or transporting baggage. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever, by any such officer or person, except for travelling expenses when under orders, for which ten cents per mile shall be allowed.

APPROVED, March 3, 1835.

Rank of assistant surgeons under certain circumstances.

Rations.

No allowance to be made for drawing bills, &c.

STATUTE II.

March 3, 1835.

1831, ch. 85.

Construction of road within the District of Columbia.

CHAP. XXVIII.—*An Act supplementary to an act entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio railroad into and within the District of Columbia," passed December, eighteen hundred and twenty-nine. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Baltimore and Ohio Railroad Company be, and they are hereby, authorized to locate and construct their said road within the city of Washington, through squares nine hundred and nine, eight hundred and eighty-eight, eight hundred and fifty-eight, eight hundred and thirty-two, nine hundred and eight, eight hundred and eighty-seven, eight hundred and fifty-six, eight hundred and fifty-seven, eight hundred and thirty-one, eight hundred and seven, seven hundred and seventy-six, seven hundred and fifty-one, seven hundred and eighteen, in the same manner, and with the same rights and privileges which are granted to them by the act to which this is a supplement, for the construction of their said road within the District of Columbia, beyond the limits of the city of Washington, any thing in the said act contained to the contrary notwithstanding, and the assent of Congress is hereby given to the construction of the said railroad through or over any of the said lots or parts of lots which are owned by the United States.

(a) The following decision of the Supreme Court is introduced, as it is one of the occasions in which the Baltimore and Ohio railroad has been the subject of the legislation of Congress.

The state of Maryland, in 1836, passed a law directing a subscription of three millions of dollars to be made to the capital stock of the Baltimore and Ohio Railroad Company, with the following proviso, "that if the said company shall not locate the said road in the manner provided in this act, then and in that case, they shall forfeit one million of dollars to the state of Maryland, for the use of Washington county." In March, 1840, the state passed another act, repealing so much of the prior act as made it the duty of the company to construct the road by the route therein prescribed, remitting and releasing the penalty, and directing the discontinuance of any suit brought to recover the same. Held, that the proviso was a measure of state policy, which it had a right to change, if that policy was afterwards discovered to be erroneous; and neither the commissioners, nor the county, nor any one of its citizens, acquired any separate or private interest under it, which could be maintained in a court of justice. *State of Maryland v. The Baltimore and Ohio Railroad Company*, 3 Howard, 534.

It was a penalty, intended to be imposed on the company for disobeying the law; and the assent of the company to it, as a supplemental charter, was not sufficient to deprive it of the character of a penalty. *Ibid.*

A clause of forfeiture in a law is to be construed differently from a similar clause in an engagement between individuals. A legislature can impose it as a punishment; but individuals can only make it a matter of contract. Being a penalty, imposed by law, the legislature had a right to remit it. *Ibid.*