

any cruel and unusual punishment, every such person so offending shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

SEC. 4. *And be it further enacted*, That whenever any person indicted for any offence against the United States, whether capital or otherwise, shall upon his arraignment stand mute, or will not plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party shall plead not guilty, or such plea shall be entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury. And in all trials in capital cases, if the party indicted shall peremptorily challenge above the number of jurors allowed by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if the same [said] challenges had not been made.

SEC. 5. *And be it further enacted*, That whenever any person shall be convicted of any offence against the United States which is punishable by fine and imprisonment, or by either, it shall be lawful for the court by which the sentence is passed, to order the sentence to be executed in any house of correction, or house of reformation for juvenile delinquents within the state or district where such court is holden, the use of which shall be allowed and authorized by the legislature of the state for such purpose. And the expenses attendant upon the execution of such sentence shall be paid by the United States.

APPROVED, March 3, 1835.

Procedure in case a person arraigned shall stand mute, &c.

Challenge.

Court may order sentence to be executed in house of correction, &c.

STATUTE II.

CHAP. XLI.—*An Act making appropriations for certain roads, and for examinations and surveys, for the year one thousand eight hundred and thirty-five.*

March 3, 1835.

[Obsolete.]

Appropriations for roads from

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 they are hereby, appropriated, to be paid out of any unappropriated money in the treasury, for certain roads, and for making examinations and surveys, for the year one thousand eight hundred and thirty-five, viz :

For the road from Detroit to fort Gratiot, three thousand dollars.

For the road from Detroit to Saganaw bay, ten thousand dollars.

For the road from Detroit to Grand river of Lake Michigan, twenty-five thousand dollars.

For the road from Detroit towards Chicago, in the territory of Michigan, ten thousand dollars.

For the road from La Plaisance bay to intersect the road to Chicago, within the territory of Michigan, ten thousand dollars.

For the construction of a road from a point opposite to Memphis, to Wm. Strong's house, on the St. Francis river, in the territory of Arkansas, in addition to the balance of former appropriation, one hundred and six thousand dollars.

For defraying the expenses incidental to making examinations and surveys under the act of thirtieth of April, eighteen hundred and twenty-four, twenty-five thousand dollars.

For repairing the military road in Florida, from Pensacola to Tallahassee, and thence to St. Augustine, fifteen thousand dollars.

For the payment of Isaiah Frost, for work heretofore done by him, on the Cumberland road, the sum of three hundred and twenty dollars.

APPROVED, March 3, 1835.

Detroit to fort Gratiot ;
Detroit to Saganaw ;
Detroit to Grand river ;
Detroit towards Chicago ;

La Plaisance bay to Chicago road ;
Memphis to St. Francis river.

Examinations and surveys. 1824, ch. 46.

Road from Pensacola to Tallahassee.

Payment of Isaiah Frost.