

out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been, or may be incurred, in preventing or suppressing the hostilities of any Indians; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the 19th of March, and the second of July last, and of the acts therein referred to.

How to be expended.

APPROVED, March 2, 1837.

CHAP. XXI.—*An Act to provide for the enlistment of boys for the naval service, and to extend the term of the enlistment of seamen.*

STATUTE II.  
March 2, 1837.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful to enlist boys for the navy, with the consent of their parents or guardians, not being under thirteen, nor over eighteen years of age, to serve until they shall arrive at the age of twenty-one years; and it shall be lawful to enlist other persons for the navy, to serve for a period not exceeding five years, unless sooner discharged by direction of the President of the United States; and so much of an act entitled "An act to amend the act entitled 'An act to amend the act authorizing the employment of an additional naval force,'" approved fifteenth May, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, shall be, and is hereby, repealed.

1845, ch. 17.  
Boys may be enlisted.

Other persons may be enlisted for five years.

So much of act 15th May, 1820, ch. 132, as is inconsistent with this act, repealed.

SEC. 2. *And be it further enacted,* That when the time of service of any person enlisted for the navy, shall expire, while he is on board any of the public vessels of the United States, employed on foreign service, it shall be the duty of the commanding officer of the fleet, squadron, or vessel, in which such person may be, to send him to the United States in some public or other vessel, unless his detention shall be essential to the public interests, in which case the said officer may detain him until the vessel in which he shall be serving shall return to the United States; and it shall be the duty of said officer, immediately to make report to the Navy Department, of such detention and the causes thereof.

Any person whose time expires while on foreign service, to be sent to U. States, &c. 1845, ch. 77, § 9.

SEC. 3. *And be it further enacted,* That such persons as may be detained after the expiration of their enlistment, under the next preceding section of this act, shall be subject, in all respects, to the laws and regulations for the government of the navy, until their return to the United States, and all such persons as shall be so detained, and all such as shall voluntarily re-enlist to serve until the return of the vessel in which they shall be serving, and their regular discharge therefrom in the United States, shall, while so detained and while so serving under their re-enlistment, receive an addition of one-fourth to their former pay.

Persons detained to be subject to laws, &c., of navy.

Those who re-enlist to receive additional pay.

APPROVED, March 2, 1837.

CHAP. XXII.—*An Act concerning Pilots. (a)*

STATUTE II.  
March 2, 1837.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may

Upon waters which are the

(a) Cases decided in the courts of the United States, as to Pilots and Pilotage.

What a pilot does beyond the limits of his duty, as such, may be the foundation of a claim for salvage; but not such acts as were within his duties. *Hand v. The Elvira*, Gilpin's D. C. R. 65.

Where a steamboat was hired for the purpose of towing a vessel, to which she was fastened, and both were under the direction of a licensed pilot, the owner of the steamboat is not entitled to damages on account of injury sustained in the course of navigation, and not caused by negligence of the pilot. *Reeves et al. v. The Ship Constitution*, Gilpin's D. C. R. 579.

Assisting vessels in distress, beyond what the mere duty of pilot requires, entitles pilots to compensation. *Delany, a Pilot v. The Sloop Peragio*, Bee's Adm. Rep. 212.

The brig *Hope*, with a valuable cargo, had been conducted, in the evening, by a pilot inside of Mobile point, where pilots of the outer harbor usually leave vessels which they pilot inside of that bar. The pilot was discharged, and the *Hope* proceeded up the bay of Mobile. The wind soon after changed, blew a violent gale from the northwest, both anchors parted, and the *Hope* was driven on a

boundary of two States, pilots licensed by either may be employed.

be lawful for the master or commander of any vessel coming into or going out of any port situate upon waters, which are the boundary between two States, to employ any pilot duly licensed or authorized by the laws of either of the States bounded on the said waters, to pilot said vessel to or from said port; any law, usage, or custom, to the contrary notwithstanding.

APPROVED, March 2, 1837.

STATUTE II.

March 2, 1837.

CHAP. XXIII.—*An Act to extend for a longer period the several acts now in force for the relief of certain insolvent debtors of the United States.*

Extended for three years.

Act of March 2, 1831, ch. 62.  
Act of July 14, 1832, ch. 230.  
Act of June 7, 1834, ch. 45.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled "An act for the relief of certain insolvent debtors of the United States," passed on the second day of March, one thousand eight hundred and thirty-one, and an act in addition thereto, passed on the fourteenth day of July, one thousand eight hundred and thirty-two, and an act to revive and amend the said acts, passed on the seventh day of June, one thousand eight hundred and thirty-four, be, and the same are hereby extended and continued in force for three years from and after the passage of this act.

Application.

SEC. 2. *And be it further enacted,* That the provisions of the said several acts shall apply to cases of insolvency which shall have accrued [occurred] on or before the first day of January last.

APPROVED, March 2, 1837.

STATUTE II.

March 2, 1837.

CHAP. XXV.—*An Act to provide for the adjustment of title and final disposition of the four reserved sections in the tract of country allotted to the Tombeckee Association for the encouragement of the cultivation of the vine and olive.*

Persons entitled to allot-

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all persons who

shoal outside of the point, among the east breakers. The gale increased to a hurricane, and forced the vessel on her beam ends, and her masts and bowsprit were cut away. The master and crew deserted her to save their lives. After various fruitless efforts to save her, the libellants, all pilots of the outer harbor of Mobile, two days after she was stranded, and while yet in great peril, succeeded; and she was brought up to the city of Mobile by them, towed by their pilot boat, assisted by a steamboat employed by them. On a libel for salvage, the district court of the United States for the district of Alabama allowed, as salvage, one-third of 15,299 dollars and 58 cents, the appraised value of the brig and cargo. The owners of the brig and cargo appealed to the supreme court. By the Court—A pilot, while acting within the strict line of his duty, however he may entitle himself to extraordinary pilotage compensation for extraordinary services, as contradistinguished from ordinary pilotage for ordinary services, cannot be entitled to claim salvage. In this respect he is not distinguished from any other officer, public or private, acting within the appropriate sphere of his duty. But a pilot, as such, is not disabled, in virtue of his office, from becoming a salvor. On the contrary, whenever he performs salvage services beyond the line of his appropriate duties, or under circumstances to which those duties do not justly attach, he stands in the same relation to the property as any other salvor: that is, with a title to compensation to the extent of the merit of his services, viewed in the light of a liberal public policy. *Hobart v. Drogan*, 10 Peters, 108.

Seamen, in the ordinary course of things, in the performance of their duties, are not allowed to become salvors, whatever may have been the perils, or hardships, or gallantry of their services, in saving the ship and cargo. Extraordinary events may occur, in which their connexion with the ship may be dissolved, de facto, or by operation of law; or they may exceed their proper duty, in which cases they may be permitted to claim as salvors. *Ibid.*

It is not within the scope of the positive duties of a pilot to go to the rescue of a wrecked vessel, and employ himself in saving her, or her cargo, when she was wholly unnavigable. That is a duty entirely distinct in its nature, and no more belonging to a pilot than it would be to supply such a vessel with masts or sails, or to employ lighters to discharge her cargo in order to float her. It is properly a salvage service, involving duties and responsibilities, for which his employment may peculiarly fit him; but yet in no sense included in the duty of navigating the ship. *Ibid.*

This was a case where the libellants acted as salvors, and not as pilots. They had, at the time, no particular relation to the distressed ship. They proffered useful services as volunteers, without any pre-existing covenant that connected them with the duty of employing themselves for her preservation. The duties they undertook were far beyond any belonging to pilots; and precisely those belonging to salvors. *Ibid.*

Suits for pilotage on the high seas, and on waters navigable from the sea, as far as the tide ebbs and flows, are within the admiralty and maritime jurisdiction of the United States. The service is strictly maritime, and falls within the principles already established by the supreme court in the case of the *Thomas Jefferson*, 10 Wheaton's Rep. 428, and *Peyroux v. Howard*, 7 Peters' Rep. 324. *Ibid.*