

where such conviction shall have occurred; or if such conviction be had in the District of Columbia, then and in such case the transportation and delivery shall be by the warden of the jail of said district; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Secretary of the Interior, out of the judiciary fund: *Provided*, That if, in the opinion of the Secretary, the expense of transportation from any state, territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the state, territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their sentence.

in the District of Columbia.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or proper authorities having the control of such prison or prisoners, for the imprisonment, subsistence, and proper employment of all such prisoners, and to give the court having jurisdiction of such offences, in said district, notice of the prison where such persons will be confined if convicted.

Secretary of Interior to contract with state authorities for the subsistence, employment, &c., of such prisoners, and to notify the court.

SEC. 3. *And be it further enacted*, That hereafter there shall be allowed and paid by the Secretary of the Interior, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it shall reasonably and actually cost to subsist them. And it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this act, as will enable him to determine the actual and reasonable expense incurred.

Actual reasonable costs of subsisting prisoners to be paid.

Rules, &c., therefor.

SEC. 4. *And be it further enacted*, That it shall be the duty of the warden of the jail in the District of Columbia, whenever any person confined in said jail shall be adjudged to suffer death, to carry such judgment into execution; but nothing in this act nor "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February twenty-nine, eighteen hundred and sixty-four, shall be construed to impair or interfere with the authority of the marshal of the said district to commit persons to said jail, or to produce them in open court or before any judicial officer when thereto required. And it shall be the duty of the warden of said jail to receive such prisoners, and to deliver them to said marshal or his duly-authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer as aforesaid.

Execution in capital cases.

Construction of this and of former act. 1864, ch. 16. *Ante*, p. 12.

SEC. 5. *And be it further enacted*, That the office of warden of the penitentiary in the District of Columbia shall, from and after the passage of this act, be suspended, and the salary and emoluments thereof cease, during the time in which there shall be no penitentiary used in said district.

Office of warden of penitentiary in District of Columbia suspended.

APPROVED, May 12, 1864.

CHAP. LXXXVI. — *An Act relating to Appointments in the Naval Service and Courts-Martial.*

May 16, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter all appointments in the volunteer naval service of the United States, above the rank of acting master, shall be submitted to the Senate for confirmation, in the same way and manner as appointments in the regular navy are required to be submitted.

Appointments in the volunteer naval service to be sent to Senate for confirmation.

SEC. 2. *And be it further enacted*, That naval courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be reduced to the rating of ordinary seamen.

Power of naval courts-martial.

APPROVED, May 16, 1864.