

&c., of men in Western department.

1862, ch. 49, vol. xii. p. 374.

Payment, to whom to be made.

Assignments invalid.

When attorney may receive it.

appropriated, out of any money in the treasury not otherwise appropriated, the sum of seven hundred thousand six hundred and twelve dollars and thirteen cents, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure to the officers and men actually employed in the Western department, or department of Missouri, their pay, bounty, and pension: *Provided, however,* That, in the payment of the money hereby appropriated, such payment shall be made directly to the officers or soldiers by whom the services were rendered, or to their personal representatives, or to their agents appointed by powers of attorney; and no assignment of any sum due to any officer or soldier shall be valid; such payments to be made by paymasters of the United States army: *Provided further, however,* That any person holding a power of attorney authorizing the receipt by him of the amount to be paid to any officer or soldier may, upon making and filing an affidavit to the effect that he is acting in the premises purely as agent without personal interest, and that he will pay over the amount received either to the soldier or (in his absence) to his wife or children, for their benefit, be entitled to receive such amount.

APPROVED, January 22, 1864.

Jan. 22, 1864.

CHAP. IV. — *An Act to amend the Law prescribing the Articles to be admitted into the Mails of the United States.*

Certain articles of clothing may be carried in the mails.

Rate of postage; to be prepaid.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That articles of clothing, being manufactured of wool, cotton, or linen, and comprised in a package not exceeding two pounds in weight, addressed to any non-commissioned officer or private serving in the armies of the United States, may be transmitted in the mails of the United States at the rate of eight cents, to be in all cases prepaid, for every four ounces, or any fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

APPROVED, January 22, 1864.

Jan. 26, 1864.

CHAP. V. — *An Act to change the Place of holding the Circuit and District Courts of the United States, for the District of West Tennessee, and for other Purposes.*

Terms of Federal circuit and district courts in West Tennessee.

Special terms.

What notice to be given.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter the circuit and district courts of the United States for the district of West Tennessee shall be holden at the city of Memphis in said district, on the first Monday in March and the first Monday in September of each year, and at no other place. And all process, civil and criminal, which may have been, or hereafter may be, issued, returnable to said courts at Jackson or Huntingdon, in said district, shall be returned to said courts, respectively, at the city of Memphis; and all books and records of every kind, pertaining to said courts, shall be transferred from the places where said courts have heretofore been held to the city of Memphis.

SEC. 2. *And be it further enacted,* That the judges of the United States circuit court and of the United States district court for the several districts of Tennessee, may, whenever in their opinion the public interests require it, appoint special terms of their respective courts at Knoxville, Nashville, and Memphis, to be holden at such times as said judges, respectively, shall deem most conducive to the public good; notice of each special term appointed under the provisions of this act shall be published in at least one newspaper printed in the town or city in which a term is to be held, for four consecutive weeks.

APPROVED, January 26, 1864.

Time for filing certain affidavits extended to certain preëmptors.

1841, ch. 16,  
§ 13.  
Vol. v. p. 456.

Additional fees and allowances to certain registers and receivers.

Proviso.

taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office, to make, before the register or receiver, the affidavits required by the thirteenth section of the preëmption act of fourth September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry or location, shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that the said preëmptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the registers and receivers in the state of California, in the state of Oregon, and in the territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

APPROVED, March 21, 1864.

March 25, 1864.

CHAP. XL.—*An Act to provide for carrying the Mails from the United States to foreign Ports and for other Purposes.*

Vessels belonging to citizens of the United States to carry the mails.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all steamers and sailing vessels belonging to citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the post-office department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

Master to make return under oath.

SEC. 2. *And be it further enacted*, That upon the entry of every steamer or sailing vessel from any foreign port, the master or commander thereof shall make return, on oath or affirmation, showing that he has promptly delivered at such foreign port or ports all mails placed on board of the steamer or vessel under his command before clearance from the United States. And in case the master or commander shall fail to make oath or affirmation as aforesaid, showing that he has delivered the mails placed on board his steamer or vessel in good faith, the said steamer or vessel shall not be entitled to the privileges of a steamer or vessel of the United States.

Penalty for failure.

SEC. 3. *And be it further enacted*, That the Postmaster-General be, and is hereby, authorized to make contracts, to continue not exceeding four years, for the transportation of allailable matter other than letters, and of such letters as may be so directed, by the Isthmus of Panama or the Nicaragua route, or both of them: *Provided*, That the expenditure for the service shall not exceed one hundred and sixty thousand dollars per annum. And in case more than one company is engaged in rendering this service, the Postmaster-General shall determine the proportion which shall be paid to each.

Contracts for carrying mail matter by Panama or Nicaragua.

Cost not to exceed, &c.

If more than one company renders the service.

Postage on mail matter between Kansas and California.

Proviso.

Post, pp. 421, 422.

SEC. 4. *And be it further enacted*, That allailable matter which may be conveyed by mail westward beyond the western boundary of Kansas, and eastward from the eastern boundary of California shall be subject to prepaid letter postage rates: *Provided, however*, That this section shall not be held to extend to the transmission by mail of newspapers from a

known office of publication to bona fide subscribers, not exceeding one copy to each subscriber, nor to franked matter, to and from the intermediate points between the boundaries above named, at the usual rates: *Provided, further,* That such franked matter shall be subject to such regulations as to its transmission and delivery as the Postmaster-General shall prescribe.

Proviso.

SEC. 5. *And be it further enacted,* That the Postmaster-General may, if he shall deem it for the public interests, enter into contracts for any period not exceeding one year, for the transportation of the mails in steamships, by sea, between any of the ports in the United States; and that the sea-service already performed by his order on the Atlantic coast and Gulf of Mexico be paid for out of any moneys appropriated for the service of the post-office department. Also for such service already performed upon the Pacific coast a sum not exceeding fifteen hundred dollars, to be paid for out of any moneys appropriated for the service of the post-office department.

Contracts for carrying the mails in steamships by sea between ports of the United States, &c.

Appropriation for Pacific coast.

SEC. 6. *And be it further enacted,* That if any person or persons shall paint, print, post, or in any other manner place upon, or attach to, any steamboat or other vessel, or any stage-coach or other vehicle, which steamboat or other vessel, or stage-coach or other vehicle, is not actually used in carrying the mails of the United States, the words "United States mail," or any other words, letters or characters of like import; or if any person or persons shall give notice, either by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage-coach or other vehicle, is used in carrying the mails of the United States, when the same is not actually so used, every person so offending or wilfully aiding or abetting therein, shall, on conviction thereof in any court of competent jurisdiction, be fined in any sum not less than one hundred nor more than five hundred dollars for every such offence; one half for the use of the United States and the other half to the use of the person informing and prosecuting for the same.

Penalty for placing words "United States mail," &c. on a coach or vessel not used to carry the mail;

for advertising such coach or vessel.

SEC. 7. *And be it further enacted,* That the Postmaster-General be, and he is hereby, authorized and empowered to suspend the operation of so much of the eighth section of the act of the thirty-first of August, eighteen hundred and fifty-two, as authorizes the conveyance of letters otherwise than in the mails on any such mail routes as in his opinion the public interest may require.

Part of act of 1852, ch. 113, § 8, may be suspended.

Vol. x. p. 141.

APPROVED, March 25, 1864.

CHAP. XLI. — *An Act to authorize the President to negotiate a Treaty with the Klamath, Modoc, and other Indian tribes in Southeastern Oregon.* March 25, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he hereby is, authorized to conclude a treaty with the Klamath, Modoc, and Snake Indians in southeastern Oregon for the purchase of the country occupied by them.

Treaties with Indians in southeastern Oregon.

SEC. 2. *And be it further enacted,* That for the purpose of carrying out the provisions of this act the sum of twenty thousand dollars be, and the same is hereby, appropriated from any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior.

Appropriation.

APPROVED, March 25, 1864.

CHAP. XLII. — *An Act to carry into Effect the Convention with Ecuador for the mutual Adjustment of Claims.* March 28, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of carrying into effect the convention with Ecuador for the mutual adjust-

Pay of commissioner under convention with Ecuador.

May 17, 1864.

CHAP. LXXXVII. — *An Act to establish a Postal Money-Order System.*

1865, ch. 89, § 11.  
Post, p. 506.

Money-order  
offices estab-  
lished at desig-  
nated post-offices.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to promote public convenience, and to insure greater security in the transfer of money through the United States mails, the Postmaster-General is hereby authorized to establish, under such rules and regulations as he may find expedient and necessary, a uniform money-order system at all post-offices which he may deem suitable therefor, and which shall be designated and known as "Money-Order Offices;" and it shall be the duty of the deputy postmaster at every money-order office to issue, in such manner and form as the Postmaster-General may prescribe, an order for a sum of money payable by the deputy postmaster of any other money-order office which the person applying therefor may select; and the deputy postmaster who issues such order shall be required to send through the mails, without delay, to the deputy postmaster on whom it is drawn, due notice thereof, and he shall not deliver such order to the applicant therefor until the latter shall first have deposited with him the amount of money for which such order is drawn, together with the proper charge or fee therefor, as hereinafter provided. And it shall not be lawful for any deputy postmaster to issue a money-order on any other deputy postmaster without having previously received the money therefor; and any person who shall violate this provision shall be deemed guilty of misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

Orders for  
money may be  
issued.

Notice to  
drawee.

Amount of  
order and fees to  
be first deposited.

Penalty.

Order to be  
written on a pre-  
pared blank form.

SEC. 2. *And be it further enacted,* That a money-order shall not be valid or payable unless it be drawn on a printed or engraved form, which shall be furnished to the money-order offices by the Postmaster-General; and it shall be the duty of the latter to supply such offices also with the blank forms of application for money-orders, one of which the deputy postmaster shall hand to each applicant for a money-order, who shall be required to enter, or cause to be entered, therein his own name and the name and address of the party to whom the order is to be paid, together with the amount thereof and the date of application. And all such applications, when filled up and delivered to the deputy postmaster, shall be preserved on file at his office for such length of time as the Postmaster-General may prescribe.

Applications,  
to be filed and  
preserved.

Orders not to  
be issued for less  
than \$1 nor more  
than \$30.

Fees for orders.

SEC. 3. *And be it further enacted,* That no money-order shall be issued for any sum less than one or more than thirty dollars; and all persons who receive money-orders shall be required to pay therefor the following charges or fees, viz: For an order for one dollar, or for any larger sum, but not exceeding ten dollars, a fee of ten cents shall be charged and exacted by the postmaster giving such order; for an order of more than ten and not exceeding twenty dollars, the charge shall be fifteen cents; and for every order exceeding twenty dollars a fee of twenty cents shall be charged.

Orders may be  
changed, when,  
&c.

SEC. 4. *And be it further enacted,* That if the purchaser of a money-order, from having made an error in stating the name of the office of payment, or the name of the payee, or for other reasons, be desirous that the said money-order be modified or changed, it shall be the duty of the deputy postmaster from whom he received it to take back, at his request, the first order, and issue another in lieu thereof, for which a new fee shall be charged and exacted; and it shall also be the duty of a deputy postmaster to repay the amount of any money-order to the person who obtained it, if the latter apply for such repayment and return the money-order; but the charge or fee paid therefor shall not in any case be refunded.

Amount when  
repaid.

SEC. 5. *And be it further enacted,* That if any money-order be not presented to the deputy postmaster on whom it is drawn within ninety days after its date, it shall not be valid or payable; but the Postmaster-General shall be, and he is hereby, authorized, on application of the

Order to be  
presented for  
payment in  
ninety days.

payee of such money-order, to cause a new order in lieu thereof to be issued in his favor, for which a second fee shall be exacted. And the Postmaster-General is further authorized, whenever a money-order shall have been lost, to cause a duplicate thereof to be issued, for which a second fee shall be paid on application of the remitter or of the payee of such order, provided the party losing the original shall furnish a statement, under oath or affirmation, setting forth the loss or destruction thereof, and a certificate from the postmaster by whom it was payable that it had not been paid, and that it would not thereafter be paid.

Duplicate order to issue in case of loss.

Oath.

SEC. 6. *And be it further enacted,* That the payee of a money-order may, by his written endorsement thereon, direct it to be paid to any other person, and it shall be the duty of the deputy postmaster on whom it is ordered to pay the amount thereof to the person thus designated, provided the person to whom the money-order is endorsed shall furnish such proof as the Postmaster-General may require that the written endorsement is genuine, and that he is the person thereby empowered to receive payment of the order; but such second person shall not be at liberty to endorse the same order to a third party, and more than one endorsement shall render any order invalid, and not payable, and the holder thereof, in order to obtain the amount of the order shall be required to apply in writing to the Postmaster-General for a new order in lieu thereof, for which new order a second fee shall be charged: *Provided, however,* That in all cases, under this section, the original order shall be returned, and such proof shall be made of the genuineness of the endorsement thereon as the Postmaster-General may require.

Order may be once endorsed to another person, &c.

Proof of genuineness of endorsement.

Proviso.

SEC. 7. *And be it further enacted,* That deputy postmasters, at money-order offices, may be allowed by the Postmaster-General, as a compensation for the issuing and paying of money-orders, not exceeding one third of the whole amount of fees on money-orders issued, and, at the option of the Postmaster-General, one eighth of one per centum on the gross amount of orders paid at their offices: *Provided,* That all emoluments arising from such rates of compensation shall be subject to the provisions of the forty-first section of the act of third of March, eighteen hundred and twenty-five, entitled "An act to reduce into one the several acts establishing the Post-Office Department."

Compensation to postmasters for issuing money-orders.

Proviso.

1825, ch. 64, § 41. Vol. iv. p. 113.

SEC. 8. *And be it further enacted,* That it shall be the duty of the Postmaster General to require all postmasters who may be authorized to issue and pay money-orders, to execute new official bonds conditioned for the faithful performance of all duties and obligations imposed by this act, in addition to those required of them by existing laws as postmasters; and it shall be the duty of the Postmaster-General to direct all payments or transfers to or from money-order offices. He may direct transfers of money-order funds from one postmaster to another, and he may require and direct transfers or payments to be made from the funds received for money-orders to creditors of the Post-Office Department, to be replaced by equivalent transfers from the funds of said department arising from postages; and he may require and direct transfers of payments to be made from the funds of the Post-Office Department in the hands of any postmaster arising from postages to the money-order offices. And it shall be the further duty of the Postmaster-General to require each postmaster to render to the auditor of the treasury for the Post-Office Department weekly, semi-weekly, or daily accounts of all money-orders issued and paid, and of all fees received for issuing them, of all transfers, or payments made from funds received for money-orders, and of all moneys received to be applied to the payment of money-orders, or on account of money-order offices.

Postmasters to give new bonds.

Payments and transfers.

Postmasters to account for transfers and payments.

SEC. 9. *And be it further enacted,* That out of the moneys paid into the treasury for the service of the Post-Office Department the Postmaster-General shall have power to transfer to the deputy postmaster of any

Transfers to pay money-orders.

money-order office such sum as may be required, over and above the current revenue thereof to pay money-orders drawn on the latter; and such transfers shall be made by warrant on the treasury by the Postmaster-General, and countersigned and registered by the auditor of the treasury for the Post-Office Department.

Auditor to audit and settle accounts of postmasters.

SEC. 10. *And be it further enacted*, That it shall be the duty of the auditor of the treasury for the Post-Office Department to receive all accounts arising in the money-order offices, or relative thereto, and to audit and settle the same, and to certify their balances to the Postmaster-General as often as he may require. He shall keep and preserve all accounts arising in said offices, and shall report to the Postmaster-General all delinquencies of postmasters in rendering their money-order accounts, or in paying over money-order funds. He shall keep the accounts of the money-order offices separately from the accounts for postages, and in such manner as to show the number and amount of money-orders issued by each postmaster, and the number and amount of money-orders paid, the amount of fees received, and all the expenses of the establishment. And it shall be the further duty of the auditor to superintend the collection of all debts due to the United States, or to the Post-Office Department, by present or late postmasters, or other persons who are, or may have been, employed in the money-order offices. He shall direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the payment of such debts, or for the recovery of any penalties arising under the provisions of this act.

Accounts of money-order offices to be kept separate.

Dues to the United States to be collected.

Moneys received to be deemed moneys of the United States.

SEC. 11. *And be it further enacted*, That all moneys received for the sale of money-orders, including all fees received for selling the same, all moneys transferred from the funds of the Post-Office Department to the money-order offices, all funds transferred or paid from the money-order offices to the use and service of the Post-Office Department, and all transfers of funds from one postmaster to another for the use of the money-order offices, shall be deemed and taken to be the moneys in the treasury of the United States. And if any postmaster, assistant, clerk, or other person employed in or connected with the business or operations of the money-order offices, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, or shall deposit in any bank, or shall exchange for other funds, any portion of such moneys, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, converted, used, loaned, deposited, or exchanged, which is hereby declared to be a felony; and any failure to pay over or to produce the moneys intrusted to such person for the use of the money-order offices shall be held and taken to be prima facie evidence of such embezzlement. And any postmaster, assistant, clerk, or other person employed in or connected with the business of the money-order offices, and all other persons advising or participating in such act, on being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, and to a fine equal to the amount of the money embezzled. And upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it shall be prima facie evidence for the purpose of showing a balance against such person to produce a transcript from the money-order account books of the auditor of the treasury for the Post-Office Department; and such transcript, when certified by said auditor under his seal of office, shall be admitted as evidence in the courts of the United States.

What shall be deemed embezzlement thereof; penalty therefor.

Evidence of embezzlement.

Certified transcript to be evidence of receipt of money.

Penalty for forging, &c., money-orders.

SEC. 12. *And be it further enacted*, That if any person shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid, or assist in falsely making, forging, counterfeiting, engraving, or printing

any order in imitation of or purporting to be a money-order issued by one postmaster upon another postmaster; or shall falsely alter, or cause or procure to be altered, or willingly aid, or assist in falsely altering, any money-order issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited order, purporting to be a money-order as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered money-order, issued as aforesaid, knowing the same to be falsely altered, with an intent to defraud, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, shall be sentenced to be imprisoned and kept at hard labor for a period of not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Penalty for altering,  
for knowingly uttering.

SEC. 13. *And be it further enacted*, That for the purpose of carrying on the business of the money-order offices, and keeping and settling their accounts, the Postmaster-General may appoint, in his department, one superintendent of the money-order system, at an annual salary of twenty-five hundred dollars, and three clerks, to wit: one of class four and two of class three. And the Secretary of the Treasury may, from time to time, appoint in the office of the auditor of the treasury for the post-office department, the necessary clerks, in all not to exceed six, to wit: one of class four and five of class two. And to provide for the compensation of the said superintendent and clerks for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, the sum of seventeen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated. And the Postmaster-General is further authorized to cause such additional clerks to be employed in the money-order offices as he may find necessary for conducting the operations of the money-order system, whose compensation shall be paid out of the proceeds of the money-order business: *Provided, however*, That to meet any deficiency that may arise in the amount of such proceeds during the first year, the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Superintendent of money-order system and clerks may be appointed.

Salary.

Appropriation.

Additional clerks.

Appropriation.

APPROVED, May 17, 1864.

CHAP. LXXXIX. — *An Act to appoint certain Officers of the Navy.*

May 17, 1864.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for and during the present insurrection, the President, by and with the advice and consent of the Senate, is hereby authorized to appoint acting lieutenant commanders and acting commanders, who shall have the same rate of compensation as is allowed to officers of similar grade in the navy.

Acting lieutenant commanders and commanders may be appointed; — pay.

SEC. 2. *And be it further enacted*, That the proviso in section ten, chapter one hundred and eighty-three, of an act to establish and equalize the grade of line officers of the United States navy, approved July sixteenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed, and that said section shall read as follows: —

Proviso in § 10 ch. 183, act of 1862 repealed. Vol. xii. p. 584. Substitute therefor.

SEC. 3. *And be it further enacted*, That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant or acting master in the navy, from civil life, authorized by act of congress of July twenty-fourth, eighteen hundred and sixty-one, may be confirmed in said appointment in the navy and placed in the line of promotion, from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of congress for highly meritorious conduct in conflict with the enemy. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers or acting

Acting volunteer lieutenants and masters may be confirmed and put in line of promotion.

Seamen may be promoted and receive a gratuity and medal of honor.