

of the Navy, for repairs, improvements, and instruction, at Fort Severn, Annapolis, Maryland.

SEC. 5. *And be it further enacted*, That, upon application of the Secretary of the Navy, the President of the United States shall have authority, when in his opinion the exigencies of the service require it, to direct that a part of the money appropriated for a particular branch of the naval service be applied to another branch of the said service; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress before its adjournment, if in session, or during the first week of the next ensuing session, if such transfer be made in the recess of Congress: *Provided*, That nothing contained in this act shall be construed to authorize the President of the United States to direct any sum appropriated for improvements at navy yards to be applied to any other object of public expenditure, or to authorize any sum to be transferred from any unexpended balance which may be necessary for the purposes for which the appropriation was originally made, or from any head or object of appropriation which may require another appropriation at any future time to supply the deficiency occasioned by such transfer: *Provided, also*, That this section shall apply to the appropriations for the fiscal year ending June thirty, eighteen hundred and forty-six, and to no other.

Transfers of appropriations authorized in certain cases.

Proviso.

This section to apply to appropriations for year ending June 30 1846.

SEC. 6. *And be it further enacted*, That, from and after the passage of this act, every proposal for naval supplies invited by the Secretary of the Navy, under the proviso to the general appropriation bill for the navy, approved March third, eighteen hundred and forty-three, shall be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation in such time as may be prescribed by the Secretary of the Navy, with good and sufficient sureties, to furnish the supplies proposed. No proposal shall be considered, unless accompanied by such guaranty. If, after the acceptance of a proposal, and a notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation within the time prescribed by the Secretary of the Navy, with good and sufficient sureties for furnishing the supplies, then the Secretary of the Navy shall proceed to contract with some other person or persons for furnishing the said supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the said supplies, for the whole period of the proposal, to be charged up against said bidder or bidders, and his or their guarantor or guarantors; and the same may be immediately recovered by the United States, for the use of the navy department, in an action of debt against either or all of said persons.

Proposals for naval supplies to be accompanied by a written guaranty.

On failure of bidders to give bond, the Secretary shall contract with some other person, and charge the difference to the original contractor.

APPROVED, August 10, 1846.

CHAP. CLXXVII. — *An Act making Appropriations for the Payment of Navy Pensions for the Year ending thirtieth June, one thousand eight hundred and forty-seven.*

Aug. 10, 1846.

*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 the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for, the payment of navy pensions for the year ending the thirtieth June, one thousand eight hundred and forty-seven:

Appropriation.

Invalid pensions.

To pay invalid pensions, thirty-two thousand three hundred and thirty-five dollars and forty cents.

Pensions of widows.

To pay the pensions of widows of officers, seamen, and marines, twelve thousand dollars.

APPROVED, August 10, 1846.

Aug. 10, 1846.

CHAP. CLXXVIII. — *An Act to establish the "Smithsonian Institution," for the Increase and Diffusion of Knowledge among Men.*

Preamble.

James Smithson, Esquire, of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor —

Smithsonian Institution established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby constituted, an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions, hereinafter contained, and no other.

Name.

*Sec. 2. And be it further enacted,* That so much of the property of the said James Smithson as has been received in money, and paid into the treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States treasury, at six per cent. per annum interest, from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the board of regents of the institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said institution; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund. *And be it further enacted,* That all the moneys and stocks which have been, or may hereafter be, received into the trea-

Amount received lent to U. S. treasury, at six per cent. interest, from Sept. 1, 1838.

Interest accrued on 1st July next to be appropriated to the erection of buildings and other incidental expenses.

Interest accruing semi-annually appropriated for the perpetual maintenance and support of the institution.

All moneys and stocks received of the bequest