

the same effect as if taken before any judge of said court.

Fees for taking them.

Discretionary power to courts of U. States, in cases of depositions in perpetuum rei memoriam.

son swearing falsely in and by any such affidavit, shall be liable to the same punishment as if the same affidavit had been made or taken before a judge of said court.

SEC. 2. *And be it further enacted*, That the like fees shall be allowed for taking such bail and affidavit as are allowed for the like services by the laws of the state, in which any such affidavit or bail shall be taken.

SEC. 3. *And be it further enacted*, That in any cause before a court of the United States, it shall be lawful for such court, in its discretion, to admit in evidence any deposition taken in perpetuum rei memoriam, which would be so admissible in a court of the state wherein such cause is pending according to the laws thereof.

APPROVED, February 20, 1812.

STATUTE I.

Feb. 21, 1812.

[Obsolete.]

Appropriation.

1812, ch. 16.

Specific appropriations.

CHAP. XXVI.—*An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expenses of the military establishment of the United States for the year one thousand eight hundred and twelve, for the Indian department, and for the expense of fortifications, magazines, arsenals and armories, the following sums, including the sum of one million five hundred thousand dollars already appropriated by the first section of the act, entitled "An act authorizing the purchase of ordnance and ordnance stores, camp equipage and other quartermaster's stores and small arms," be, and the same hereby are respectively appropriated; that is to say:

For the pay of the army of the United States, eight hundred and sixty-nine thousand nine hundred and sixty-eight dollars.

For forage, one hundred and four thousand six hundred and twenty four dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

For clothing, two hundred and ninety-three thousand eight hundred and four dollars.

For bounties and premiums, seventy thousand dollars.

if there be danger of injustice, the court will withhold it from either party, and content itself with retaining the property, or with ordering a sale thereof, and a deposit of the proceeds in the registry. *Ibid.* 452.

If a bond, taken on the delivery of property on bail, be void, as not conforming to law, the court will enforce a re-delivery of the property by attachment. *The Struggle*, 1 Gallis. C. C. R. 476.

A bond voluntarily given upon the delivery of property on bail, on application of the claimant, is good; although the condition does not exactly conform to the act of Congress, under which it may have been intended to take it. *Ibid.*

The act of Congress of 2d March, 1799, chap. 22, is not understood as compulsory on the court as to the delivery on bail. It still rests in the discretion of the court. *Ibid.* 477.

The district courts of the United States have no authority, after an appeal, to bail or sell property. *The Grotius*, 1 Gallis. C. C. R. 503.

Whether the security for property, delivered on bail, be by bond or stipulation, is immaterial. On such security, a summary judgment may be entered for the appraised value, and for the costs. *The Alligator*, 1 Gallis. C. C. R. 145.

The district court, by virtue of its general admiralty jurisdiction, may deliver property on bail; and the form in which the security is taken is immaterial: on such security a summary judgment may be rendered to the appraised value. *The Lively*, 1 Gallis. C. C. R. 315.

It is the duty of commissioners to whom it is referred to estimate damages, to make their report as specific as the nature of the thing will admit; so that not only the result, but the detail of their judgment should appear. *Ibid.*

In cases of restitution with damages, in prize proceedings, if in order to ascertain the damages, an inspection or a sale of the cargo be, in the judgment of the commissioner or the parties, necessary; application should be made to the court for an order of unlivery and appraisement, or for a sale, as the case may require. *Ibid.*

No delivery of property on bail, in a prize cause, can be made legally, where the United States are parties, without due notice to the district attorney. *Ex parte Robbins*, 2 Gallis. C. C. R. 320.

If the cargo is liable to deteriorate or perish, or the ship to be injured by the delay incident to the salvage proceedings, the proper course is to apply to the court for a sale thereof. It is not a matter of right of either party to have a delivery on bail in such cases. *The Ship Nathaniel Hooper*, 3 Sumner's C. C. R. 542.

For the medical and hospital department, fifty thousand dollars.

For ordnance and ordnance stores, one million one hundred and thirty-five thousand dollars.

Specific appropriations.

For fortifications, arsenals, magazines and armories, including two thousand dollars for such a number of additional military storekeepers as may be required, two hundred and ninety-six thousand and forty-nine dollars and seventy-five cents.

For the quartermaster general's department, including camp equipage, fuel, tools, barracks, quarters, wagons and transportation, seven hundred and thirty-five thousand dollars.

For the purchase of horses for the dragoons and light artillery, one hundred and fifty thousand dollars.

For contingencies, fifty thousand dollars.

For purchasing maps, plans, books and instruments, two thousand five hundred dollars.

For the salary of the clerks employed in the military agent's offices, and in the office of the inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and sixty-four thousand five hundred dollars.

For expenses of calling into actual service, in the years one thousand eight hundred and nine, one thousand eight hundred and ten, and one thousand eight hundred and eleven, the militia of the Louisiana and Indiana territories, and state of Kentucky, thirty-two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any monies in the treasury not otherwise appropriated.

APPROVED, February 21, 1812.

STATUTE I.

CHAP. XXVII.—*An Act making appropriations for the support of an additional Military Force.*

Feb. 21, 1812.

[Obsolete.]

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the necessary expense, to the first day of January next, of the troops to be raised by virtue of an act, entitled "An act to raise an additional military force," passed on the eleventh day of January, one thousand eight hundred and twelve, the following sums be, and the same hereby are respectively appropriated, that is to say:

1812, ch. 14.

For pay, one million four hundred and six thousand eight hundred and fifty-one dollars and ninety-five cents.

Specific appropriations.

For forage, one hundred and fifty-four thousand four hundred and thirty-five dollars and thirty cents.

For subsistence, one million seventy-four thousand and ninety-seven dollars and sixty-seven cents.

For clothing, eight hundred and sixty-three thousand two hundred and forty-four dollars.

For bounties and premiums, four hundred and forty-two thousand two hundred and sixty dollars.

For the purchase of horses for the dragoons, and for the purchase of horses for the transportation of heavy artillery, ammunition and baggage, two hundred and eighty-two thousand dollars.

For the quartermaster general's department, including harness and other equipage, quarters, fuel, tools and transportation, four hundred and eight thousand seven hundred and sixty dollars.

For the medical and hospital department, one hundred and twenty-five thousand dollars.