

not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls, of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

Penalty.

Vessels at sea or on the lakes aforesaid to carry suction-hose, fire engine, &c.

Iron rods or chains to be used instead of wheel or tiller ropes.

Penalty.

Signal lights to be carried by vessels running at night.

Penalty.

How all penalties shall be recovered.

Any person employed on board a boat in which life or lives are lost by inattention, &c. shall be guilty of manslaughter.

Punishment.

What shall be sufficient evidence to charge the defendant, in case of the bursting of a boiler, &c.

SEC. 9. And be it further enacted, That it shall be the duty of the master and owner of every steam vessel employed on either of the lakes mentioned in the last section, or on the sea, to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and that iron rods or chains shall be employed and used in the navigating of all steamboats, instead of wheel or tiller ropes; and for a failure to do which, they, and each of them, shall forfeit and pay the sum of three hundred dollars.

SEC. 10. And be it further enacted, That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to carry one or more signal lights, that may be seen by other boats navigating the same waters, under the penalty of two hundred dollars.

SEC. 11. And be it further enacted, That the penalties imposed by this act may be sued for and recovered in the name of the United States, in the district or circuit court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one-half to the use of the informer, and the other to the use of the United States; or the said penalty may be prosecuted for by indictment in either of the said courts.

SEC. 12. And be it further enacted, That every captain, engineer, pilot, or other person employed on board of any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel may be destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court in the United States, shall be sentenced to confinement at hard labor for a period not more than ten years.

SEC. 13. And be it further enacted, That in all suits and actions against proprietors of steamboats, for injuries arising to person or property from the bursting of the boiler of any steamboat, or the collapse of a flue, or other injurious escape of steam, the fact of such bursting, collapse, or injurious escape of steam, shall be taken as full prima facie evidence, sufficient to charge the defendant or those in his employment, with negligence, until he shall show that no negligence has been committed by him or those in his employment.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

CHAP. CXCII.—*An Act to establish a criminal court in the District of Columbia. (a)*

Court to be established in the District of Columbia for the trial of crimes.

To be composed of one judge, and styled the criminal court of the D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this law, a court shall be established in the District of Columbia, for the trial of all crimes and offences against the laws now in force in the said District, and such as may be hereafter enacted, to be composed of one judge, to be appointed by the President of the United States, by and with the consent of the Senate, and to receive, as compensation for his services, an annual salary of two thousand dollars,

(a) An act to amend "An act to establish a criminal court in the District of Columbia;" February 20, 1839, chap. 31.

which court shall be styled the criminal court of the District of Columbia.

SEC. 2. *And be it further enacted,* That the said court shall hold four terms in each year, on the first Mondays of December, March, June, and September, in the city of Washington, for the county of Washington, and two terms in each year, on the first Mondays of April and November, in the town of Alexandria, for Alexandria county; and that the judge of said court shall have power to hold special terms of said court in each county whenever it shall seem to him necessary to order the same, of which order ten days' previous public notice shall be given.

Four terms in the city of Washington.

Two terms in the town of Alexandria. Power to hold special terms.

SEC. 3. *And be it further enacted,* That the district attorney, and marshal of the said District, and the clerks of the circuit court in the said District, for the counties of Washington and Alexandria, respectively, shall attend the said criminal court in said counties, and perform all the duties now by law required of them, respectively, in relation to the criminal business of the circuit court in the said counties, and shall, respectively, receive the same fees and compensation therefor. And the jurors and witnesses attending said court in the said counties shall be entitled to the same compensation they now receive for their attendance in the said circuit court in the said counties respectively.

District attorney, marshal, and clerks of the circuit court to attend and perform their duties.

Compensation of jurors and witnesses.

SEC. 4. *And be it further enacted,* That all recognizances, presentments, indictments, pleas, and criminal prosecutions, and proceedings whatsoever, and all suits and proceedings for fines and forfeitures and on forfeited recognizances, now pending in the said circuit court for the said counties of Washington and Alexandria, respectively, shall be transferred to the said criminal court in the said counties, respectively, and be there proceeded on as they would have been in the said circuit court for said counties, respectively, if this act had not been passed; and all process hereafter issued, or now issued from the said circuit court, for the said counties, respectively, shall be returnable and returned to the said criminal court at the next succeeding term and terms thereof, in the said counties, respectively, and the said criminal court shall have all the jurisdiction in the said counties, respectively, now held by the said circuit court in the said counties, respectively, for the trial and punishment of all crimes and offences, and the recovery of all fines, forfeitures, and recognizances.

All cases now pending to be transferred.

Jurisdiction.

SEC. 5. *And be it further enacted,* That the circuit court of the District of Columbia, or any judge thereof, during the vacation of the court, shall have power to award a writ of error, in any criminal case whatever, wherein final judgment shall have been pronounced by the criminal court for either county in the said District, returnable to the circuit court of that county in which said judgment may be rendered, convicting any person of any crime or misdemeanor, and to reverse said judgment, or remand the case, and order a new trial, or such other proceeding therein, as the nature of the case may require.

Writ of error may be awarded, returnable to the circuit court.

SEC. 6. *And be it further enacted,* That to enable the person so convicted by the judgment of the said criminal court, to apply for a writ of error, in all cases when the judgment shall be death, or confinement in the penitentiary, the said criminal court shall, on application of the party accused, postpone the final execution thereof, to a reasonable time beyond the next term of said circuit court, not exceeding in any case thirty days after the end of such term of the circuit court.

When execution may be postponed.

SEC. 7. *And be it further enacted,* That the said criminal court, in any case, may with the consent of the person accused, adjourn any question of law to the circuit court of that county, in the District aforesaid, in which the case is depending, which may be there argued and decided, though such accused person be not present.

When question of law may be adjourned, &c.

SEC. 8. *And be it further enacted,* That there shall be hereafter paid

Fees to the coroners, jurors, and witnesses.

to the coroners of the counties of Washington and Alexandria in the said district, and to the jurors and witnesses, who may be lawfully summoned by them in any inquest, the same fees and compensation as are now paid to the marshal of the said District, and the jurors attending the circuit court in the said county for similar services.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

Circuit Court for East Tennessee.

1839, ch. 3.

1843, ch. 74.

Circuit Court for Maryland.

CHAP. CXCV.—*An Act to change the time of holding the United States Circuit Court in the District of East Tennessee and the District of Maryland.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Circuit Court of the United States for the District of East Tennessee, shall be held at Knoxville, on the third Monday in October, in each and every year, and the Circuit Courts of the United States for the District of Maryland shall be held at Baltimore on the first Monday of November annually.

Recognizances entered into, and process issued, when and where returnable.

SEC. 2. *And be it further enacted,* That all recognizances entered into, and all mesne and final process which have been issued, or which shall hereafter be issued, returnable to the first term of said Court, shall be returnable to the term hereby established, and shall have the same effect as though the said process had originally been made returnable to the term hereby established.

APPROVED, July 7, 1838.

STATUTE II.

July 7, 1838.

Act of July 5, 1838, ch. 162.

No back rations shall be allowed.

Chaplains allowed at only twenty posts.

Assistant quartermasters not required to be separated from the line.

Twelve lieutenants only to be added.

Pay of a private soldier.

Compensation to officers of the Engineer Dept.

Commissaries not to be separated from the line.

Bounty to soldiers repealed.

Paymaster-General and Surgeon-General entitled to additional rations.

CHAP. CXCVI.—*An Act supplementary to an act entitled "An act to increase the present military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to which this is a supplement shall be, and the same hereby is explained, limited, and modified as follows:

First. Nothing contained in said act shall be so construed as to allow to any officer additional rations for time past, commonly called back rations.

Second. The posts at which chaplains shall be allowed shall be limited to the number of twenty, and shall be first approved by the Secretary at War, and shall be confined to places most destitute of instruction.

Third. That so much of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

Fourth. That the number of lieutenants authorized by said act to be added and transferred to the Ordnance Department, shall be limited to twelve.

Fifth. That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Sixth. That no compensation shall be allowed to officers of the Engineer department for disbursement of public money, while superintending public works.

Seventh. That the three assistant commissaries of subsistence authorized by said act, shall not be separated from the line of the army.

Eighth. That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby, repealed.

Ninth. That the said act shall be so construed as to allow to the Paymaster General and Surgeon General of the army, the additional rations therein granted to officers of the line and staff for every five years' service.

APPROVED, July 7, 1838.