

compensation, computed at the rate of three thousand dollars per annum, as he may not have received; and any mileage that may have actually accrued and be due and unpaid.

SEC. 5. *And be it further enacted*, That if any books shall hereafter be ordered to and received by members of Congress by a resolution of either or both houses of Congress, the price paid for the same shall be deducted from the compensation hereinbefore provided for such member or members: *Provided, however*, That this shall not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected. Price of books ordered to be deducted.
Proviso.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate respectively, to deduct from the monthly payments of members as herein provided for, the amount of his compensation for each day that such member shall be absent from the House or Senate respectively, unless such representative, senator, or delegate shall assign as the reason for such absence, the sickness of himself or of some member of his family. Deduction for absence.

SEC. 7. *And be it further enacted*, That all acts or parts of acts inconsistent with or repugnant to the provisions of this act, be and the same are hereby repealed. Inconsistent acts repealed.

APPROVED, August 16, 1856.

CHAP. CXXIV.—*An Act to amend the Acts regulating the Fees, Costs, and other judicial Expenses of the Government in the States, Territories, and District of Columbia, and for other Purposes.* Aug. 16, 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, before the accounts of the United States marshals, district attorneys, and clerks, are presented to the accounting officers of the Treasury Department for settlement, they shall be examined and certified to by the district judge of the United States in the district in which the officers presenting the accounts officiate, whether in the States or Territories, and the same shall be subject to revision upon their merits by said accounting officers, as in case of other public accounts: *Provided, however*, That no accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or costs. Accounts of marshals, attorneys and clerks to be certified by District Judge before revision.
Marshal not to be charged for erroneous amounts paid to jurors or witnesses under order.

SEC. 2. *And be it further enacted*, That the accounts of the commissioners of the United States circuit courts shall be examined and certified to by the district judge of the district in which they are appointed, previous to their presentation to, or revision by, the accounting officers of the Treasury Department. Accounts of commissioners to be certified by judge.

SEC. 3. *And be it further enacted*, That in no case shall the fees of more than four witnesses be taxed against the United States in the examination of criminal cases before the commissioners of the United States circuit courts, unless their materiality and importance shall first be approved and certified to by the United States district attorney for the district in which the examination shall take place, subject to revision, as in other cases. Only four witnesses to be taxed against United States before commissioners, unless, &c.

SEC. 4. *And be it further enacted*, That in all these cases before mentioned, an appeal shall lie from the decision of the accounting officers to the Secretary of the Interior. Appeal given.

SEC. 5. *And be it further enacted*, That the judges of the supreme court in each of the Territories, or a majority of them, shall, when assembled at their respective seats of government, fix and appoint the several times and places of holding the several courts in their respective districts, and limit the duration of the terms thereof: *Provided*, That the said courts shall not be held at more than three places in any one Territory: Judges of Supreme Courts of Territories may fix the times and places of their courts.

And provided, further, That the judge or judges holding such courts shall Provisos.

adjourn the same, without day, at any time before the expiration of such terms, whenever in his or their opinion the further continuance thereof is not necessary.

Clerks' charges in District of Columbia against private parties payable when service is performed.

SEC. 6. *And be it further enacted*, That all costs and fees for services rendered by the clerks of the several courts in the District of Columbia, chargeable to others than the United States, shall be payable immediately after the services are performed, and shall be collected by such rules and regulations, not incompatible with law, as may be prescribed by the courts in which such services are rendered, but shall in no case be paid by the United States.

Courts may discharge grand juries.

SEC. 7. *And be it further enacted*, That the several circuit and district courts of the United States, the district courts of the Territories, and the criminal court of the District of Columbia, shall have the power to discharge the grand juries of the respective courts whenever they shall be of opinion that the public interests will not be subserved by a further continuance of the session of said grand jury.

No officer of court to have witness fees.

SEC. 8. *And be it further enacted*, That no officer of the United States courts, including the bailiffs, guards, or deputies of the United States marshals, whether in the States, Territories, or District of Columbia, shall be entitled to witness fees, either before a court or commissioners where he is officiating.

U. States liable to justices and constables of Washington County, D. C., only in case of felony.

SEC. 9. *And be it further enacted*, That the United States shall hereafter be liable to the justices and constables of the county of Washington, in the District of Columbia, for their fees and services in cases of felony only; and so much of the fifteenth section of the act of May seventeen, eighteen hundred and forty-eight, entitled "An act to continue, alter, and amend the charter of the city of Washington," as provided otherwise, is hereby repealed; said fees shall be paid by the United States marshal, upon the approval of the judge of the criminal court of the District of Columbia, subject to the revision by the accounting officers of the treasury, and to appeal to the Secretary of the Interior.

1848, ch. 42.
Vol. ix. p. 229.
Said fees how paid.

Clerks of Supreme Courts of Territories.

SEC. 10. *And be it further enacted*, That it shall be the duty of each of the judges of the supreme court of the respective Territories of the United States to designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and to designate and retain but one such clerk where more than one is already appointed, and only such district clerks shall be entitled to a compensation from the United States except for fees taxable to the United States.

So much of act of 1853, ch. 80, § 3, as provides for making up salaries of clerks to \$500, repealed.

SEC. 11. *And be it further enacted*, That so much of the third section of the act of February twenty-six, eighteen hundred and fifty-three, entitled "An act to regulate the fees and costs to be allowed to clerks, marshals and attorneys of the circuit and district courts of the United States, and for other purposes," as requires "that when the compensation of any clerk shall be less than five hundred dollars per annum, the difference ascertained and allowed by the proper accounting officers of the treasury shall be paid to him therefrom," is hereby repealed.

Vol. x. p. 166.

Accounts for services when U. States are a party in interest merely, or when officers are sued, payment of.

SEC. 12. *And be it further enacted*, That all accounts of the United States district attorneys for services rendered in cases instituted in the United States or State courts, when the United States is a party in interest, but not of record; or in cases instituted against the officers of the United States or their deputies, or duly appointed agents, for acts committed or omitted or suffered by them in the lawful discharge of their duties, shall be audited and allowed as in other cases, assimilating the fees, as near as may be, to those provided by said act of February twenty-six, eighteen hundred and fifty-three for like or similar services.

No marshal or deputy to be commissioner.

SEC. 13. *And be it further enacted*, That no marshal, or deputy marshal, of any of the courts of the United States, shall hold or exercise the duties of commissioner of any of said courts, nor receive compensation therefor.

SEC. 14. *And be it further enacted,* That whenever, from any cause, it may be impossible for the district attorney to attend at court, it shall be his duty to see that a meet and proper person, learned in the law, residing as near the place where the court is held as possible, does attend to such business as may appertain to the duties of his office, and in all such cases the fees and charges to be paid shall be only such as the district attorney would have been authorized by law to charge had he personally attended and performed the service: *Provided, however,* That before any such substitution is sanctioned, or payment made, the necessity thereof shall be shown to the satisfaction of the Secretary of the Interior.

District Attorneys may appoint substitutes in certain cases.

How paid.

SEC. 15. *And be it further enacted,* That all provisions of law inconsistent with this act are hereby repealed.

Inconsistent laws repealed.

APPROVED, August 16, 1856.

CHAP. CXXXV.—*An Act providing for a necessary Increase and better Organization of the Medical and Hospital Department of the Army.*

Aug. 16, 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be added to the medical department of the army four surgeons and eight assistant surgeons, to be appointed in accordance with existing laws.

Four additional surgeons and eight assistant surgeons to be appointed in the army.

SEC. 2. *And be it further enacted,* That the Secretary of War be, and he is hereby, authorized to appoint, from the enlisted men of the army, or to cause to be enlisted, as many competent hospital stewards as the service may require, not to exceed one for each military post. The said hospital stewards to be mustered and paid on hospital muster rolls, as non-commissioned staff officers, with the rank, pay, and emoluments of a sergeant of ordnance, and to be permanently attached to the medical and hospital department, under such regulations as shall be prescribed by the Secretary of War.

Steward hospital men to be appointed by Secretary of War.

Their rank, pay, &c.

SEC. 3. *And be it further enacted,* That soldiers acting as cooks and nurses in hospitals, be and are hereby allowed the extra pay authorized to soldiers on fatigue duty, by "An act to increase the pay of the rank and file of the army," approved August fourth, eighteen hundred and fifty-four.

Soldiers acting as cooks and nurses in hospitals to be allowed extra pay. 1854, ch. 247, § 6. Vol. x. p. 576.

APPROVED, August 16, 1856.

CHAP. CXXXVI.—*An Act for continuing the Improvement of the Des Moines Rapids, in the Mississippi River.*

Aug. 16, 1856.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of two hundred thousand dollars, for continuing the improvement of the Des Moines Rapids, in the Mississippi River, to be expended under the superintendence of the Secretary of War.

Appropriation for continuing the improvement of the Des Moines Rapids.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

August 11th, 1856.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act for continuing the improvement of the Des Moines Rapids, in the Mississippi River," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and *Resolved,* That the said bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

WM. CULLOM,
Clerk of House Representatives.