

Feb. 20, 1865. CHAP. XLIII. — *An Act to repeal an Act entitled "An Act to remove the United States Arsenal from the City of Saint Louis, and to provide for the Sale of the Lands on which the same is located."*

1861, ch. 80.
Vol. xii. p. 208.

Repeal of act
requiring the
removal of the
arsenal from St.
Louis, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to remove the United States arsenal from the city of Saint Louis, and to provide for the sale of the lands on which the same is located," approved March second, eighteen hundred and sixty-one, be, and the same is hereby, repealed.

APPROVED, February 20, 1865.

Feb. 23, 1865. CHAP. XLV. — *An Act to extinguish the Indian Title to Lands in the Territory of Utah suitable for agricultural and mineral Purposes.*

Indian titles in
Utah Territory to
be extinguished
by treaty.

Proviso.

Reservations.

Agricultural
implements,
stock, &c., to be
given in payment
as far as possible.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to enter into treaties with the various tribes of Indians of Utah Territory, upon such terms as may be deemed just to said Indians and beneficial to the government of the United States: Provided, That such treaties shall provide for the absolute surrender to the United States, by said Indians, of their possessory right to all the agricultural and mineral lands in said territory except such agricultural lands as by said treaties may be set apart for reservations for said Indians: And provided, further, That all such reservations shall be selected at points as remote as may be practicable from the present settlements in Utah Territory.

SEC. 2. *And be it further enacted, That in agreeing with said Indians upon the amounts to be paid to them under the provisions of the treaties to be negotiated in pursuance of this act, care shall be taken to obtain from the Indians, to the greatest possible extent, their consent to receive for such payments agricultural implements, stock, and other useful articles, rather than money.*

SEC. 3. *And be it further enacted, That for the purpose of negotiating said treaties and carrying out the provisions of this act, making presents to said Indians, and defraying the necessary expenses incident to such negotiation, there is hereby appropriated, out of any money in the treasury of the United States not otherwise appropriated, the sum of twenty-five thousand dollars.*

APPROVED, February 23, 1865.

Feb. 23, 1865. CHAP. XLVI. — *An Act to provide for the Payment of the Value of certain Lands and Improvements of private Citizens, appropriated by the United States for Indian Reservations, in the Territory of Washington.*

Appropriation
to pay for lands,
&c., taken for
Indian reserva-
tions in Washing-
ton Territory.

Claims, how
allowed, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighteen thousand six hundred and eleven dollars and sixty-two cents, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying for the lands and improvements of private citizens, taken and appropriated, by order of the Department of the Interior, for Indian reservations and uses in the Territory of Washington; and the claims herein provided to be paid shall be allowed and paid in such manner and upon such proofs of the value of the property as shall be prescribed by the Secretary of the Interior.

APPROVED, February 23, 1865.

Feb. 23, 1865. CHAP. XLVII. — *An Act to facilitate the Collection of certain Debts due the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where debts

are due from postmasters, mail-contractors, or other officers, agents, or employees of the Post-Office Department, who are in default or delinquency, a warrant of attachment may issue against all property, real and personal, possessions, and rights legal, equitable, and contingent, belonging to such officer and his sureties, or either of them, in the following cases :

First. When any such officer, agent, or employee, and his sureties, or either of them, has, within the meaning of the act of July seventeen, eighteen hundred and sixty-two, chapter one hundred and ninety-five, and the proclamation of the President in pursuance thereof, dated the twenty-fifth day of July, eighteen hundred and sixty-two, participated in, aided, abetted, or countenanced any rebellion against the United States.

Second. When such officer, agent, or employee, and his sureties, or either of them, is a non-resident of the district where such officer was appointed, or has departed from such district for the purpose of residing permanently out of such district, or of defrauding the United States, or of avoiding the service of civil process.

Third. When such officer or his sureties, or either of them, has conveyed away or is about to convey away his property, or any part thereof, or has removed or is about to remove his property, or any part thereof, from the district wherein the same is situated, with intent to defraud the United States. And where such removal has taken place, certified copies of the warrant may be sent to the marshal of any other district into which such property may have been removed, under which certified copies it shall be lawful for such marshal to seize such property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. Alias warrants may issue upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

SEC. 2. *And be it further enacted*, That application for such warrant may be made by any district attorney or assistant district attorney, or any other person authorized by the Postmaster-General, before any judge, or, in his absence, before any clerk of any court of the United States having original jurisdiction of the cause of action. Such application shall be made upon an affidavit of the applicant, or some other credible person, stating the existence of either of the grounds of attachment enumerated in the first section of this act, and upon production of legal evidence of the debt. Upon such application, and upon due order of any judge of the court, or in the absence of any judge without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the party or parties specified in the affidavit, which warrant shall be executed with all possible despatch by the marshal, who shall take the property attached, if personal, into his custody, and hold the same subject to all interlocutory or final orders of the court.

SEC. 3. *And be it further enacted*, That the party or parties whose property is attached may, at any time within twenty days before the return day of the warrant, on giving to the district attorney notice of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached in the defendants, or either of them, in which case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea. But the parties may, by consent, waive a trial by jury, in which case the court shall decide the issues raised by the affidavit and plea. Any party claiming ownership of the property attached and a specific return of the same shall be confined to the remedy afforded by this act, but his right to an action of trespass or other action for damages shall not be impaired hereby.

SEC. 4. *And be it further enacted*, That when the property attached shall be sold on any interlocutory order of the court, or when it shall be producing any revenue, the money arising from such sale or revenue shall

When warrant of attachment may issue against property of debtors to Post-Office Department.

Those in rebellion.

1862, ch. 195.
Vol. xii. p. 589.
Vol. xii.
p. 1266.

Non-residents, &c.

Conveyance, &c., of property with intent to defraud.

Removal of property.

Alias warrants.

Application for warrant, how made.

Issuing and execution of warrant.

Ownership of property attached, how determined.

Trial by jury or by the court.

Other remedies not impaired.

Proceeds of sale of attached property to be invested, &c.

Accretions.

be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the order of the court.

Publication of attachment to be made.

SEC. 5. *And be it further enacted*, That immediately upon the execution of the warrant of attachment the marshal shall cause due publication of such attachment to be made, in the case of absconding debtors or adherents of the rebellion, for two months, and in case of non-residents for four months. Such publication shall be made in some newspaper or newspapers within the district where the property attached is situated, and the details of such publication shall be regulated in each case by the order under which the warrant is issued.

After publication, persons indebted to, or having property of defendants, with knowledge, to account therefor.

SEC. 6. *And be it further enacted*, That after the first publication of such notice of attachment in all the newspapers required by this or any subsequent act, every person indebted to the defendants, or either of them, and having knowledge of such notice, whose property is liable to attachment, and every person having possession of any property belonging to such defendants, or either of them, and having knowledge as aforesaid, shall account and answer for the amount of such debt and for the value of such property, and any disposal or attempt to dispose of any such property to the injury of the United States shall be illegal and void. When the person or persons so indebted to or having possession of the property of such defendants, or either of them, shall be known to the district attorney or the marshal, it shall be the duty of such officer to see that personal notice of such attachment is served upon such persons, as in cases of garnishees; but the want of such notice shall not invalidate the attachment.

Sales, &c., void.

Personal notice.

Discharge of warrant of attachment.

Bond to be given.

Fees, costs, and expenses.

This act not to interfere, &c.

SEC. 7. *And be it further enacted*, That upon application of the party whose property has been attached, the court or any judge thereof may discharge the warrant of attachment as to the property of the applicant: *Provided*, That such applicant shall enter into and execute to the United States a good and sufficient penal bond in double the amount of the value of the property attached, conditioned for the return of said property, or to answer any judgment which may be rendered by the court in the premises, which bond shall be approved by the court or any judge thereof.

SEC. 8. *And be it further enacted*, That the fees, costs, and expenses of issuing and serving the warrants of attachment authorized by this act shall be regulated as far as possible by the existing laws of the United States and the rules of court made in pursuance thereof. In the case of preliminary trials as to the validity of the attachment or the right of property, clerks' and marshals' fees shall be the same as in ordinary cases, and the docket fee of the district attorney shall be ten dollars.

SEC. 9. *And be it further enacted*, That this act shall not be construed so as to limit or abridge in any manner such rights of the United States as have accrued or been allowed in any district under the former practice of the United States courts or the adoption of state laws by said courts.

APPROVED, February 23, 1865.

Feb. 23, 1865.

1820, ch. 104.

Vol. iii. p. 587.

1864, ch. 81.

Ante, p. 68.

CHAP. XLVIII. — *An Act to amend an Act entitled "An Act to amend an Act to incorporate the Inhabitants of the City of Washington, passed May fifteen, eighteen hundred and twenty," approved May fifth, eighteen hundred and sixty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, approved May fifth, eighteen hundred and sixty-four, entitled "An act to amend 'An act to incorporate the inhabitants of the city of Washington,' passed May fifteen, eighteen hundred and twenty," be construed amended so as to read as follows: That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements, and to cause the curb-stones to be set, the foot and carriage ways, or so much thereof as they may deem best, to be graded and paved; to introduce the necessary sewerage and drainage

Taxes for local improvements, &c.

Paving.

Sewerage.